



REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA**  
**AT NYERI**  
**Criminal Appeal 401 of 2000**

**MICHAEL GITAU WAWERU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(From original conviction and sentence in the District Magistrate's Court at Kigumo in Criminal Case Number 1214 of 2000 by P. Mwangulu – D.M. 1 dated 20<sup>th</sup> September 2000.)*

**J U D G M E N T**

Michael Gitau Waweru hereinafter referred to as the Appellant was convicted on his own plea of guilty by the District Magistrate Kigumo for the offence of Being in possession of *Cannabis Sativa* contrary to **Section 3 (1), (2)** of the Narcotic Drugs and Psychotropic Substances Control Act 1994. He was sentenced to serve 3 years imprisonment.

In his grounds of appeal the Appellant contends that the sentence was severe that there was no report of the Government analyst and that the substance and element of the charge were not stated before the plea was entered.

I have perused the record of the lower court and it is evident that the Appellant not only admitted the charge but also admitted the facts which were properly put to him. I am satisfied that the Appellant's plea was properly taken and that his plea of guilty was unequivocal.

I concur with learned Principal Staten Counsel that the sentence of 3 years was fair and does not warrant the intervention of this court. I do therefore dismiss this appeal in its entirety.

***Dated, signed and delivered this 30<sup>th</sup> day of June 2006.***

**H. M. OKWENGU**

**JUDGE**