

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

Criminal Appeal 200 of 2004(1)

(From original conviction(s) and Sentence(s) in Criminal case No. 8888 of 2004 of the Chief Magistrate's Court at Makadara (R. Nyakundi – P.M.)

ROBERT KIGUTE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGEMENT

The Appellant, **ROBERT KIGUTE** appeals against the sentence only. He was convicted on his own plea of guilty for the offence of **BEING IN POSSESSION OF NARCOTIC DRUGS** to wit 50 rolls contrary to Section 3(1) and Section 3(2) (b) of the **NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE CONTROL ACT**. He was sentenced to 48 months imprisonment.

The Appellant submitted that he was remorseful for the offence and that that was the reason he pleaded guilty to the charge. He submitted that he was reformed and would engage in fruitful activities once released.

MISS MWENJE learned counsel for the State urged the Court to find that such offences were on the increase and that a deterrent sentence was required. I have considered that the Appellant has served 14 months of his sentence. He is remorseful for the offence. He saved Court's time by pleading guilty. Amounts involved are not much. In the circumstances 4 years imprisonment was excessive and harsh. I will allow the appeal in part by reducing the sentence from 4 years to 2 years from the date of original sentence. It is so ordered.

Dated at Nairobi this 15th day of June 2005.

LESIIT, J.

JUDGE

Read, signed and delivered in the presence of;

Appellant present

No appearance for Respondent

LESIIT, J.

JUDGE