

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO.74 OF 2002

**(From original conviction and sentence in Criminal
Case No.1930/2000 of the Senior Resident Magistrate's
Court at MOLO –J. KIARIE(S.R.M.)**

**SAMUEL MUTHANDI KURIA.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

J U D G M E N T

The Appellant, through his Advocate, Miss Njoroge, has appealed against the sentence of 7 years imprisonment passed against him by Molo Senior Resident Magistrate's Court. He had been charged and convicted of TRAFFICKING IN NARCOTICS DRUGS contrary to Section 4(a) of the Narcotics and Psychotropic Substances Act No.4 of 1994.

The Advocate for the Appellant urged the court to find that the sentence of 7 years imprisonment for trafficking in 1933 stones of cannabis sativa was harsh. That the Appellant was a first offender. Was young aged 36 years and had a young wife and children. That the custodial sentence would destroy his life. Counsel for the State did not oppose the appeal against sentence.

The offence of trafficking in narcotics drugs is very serious. The impact of the drugs if they got to the public is horrendous especially if the drug got to our educational institutions. The Appellant's personal inconvenience is far of less importance as the danger the public in general was exposed to and the court has a duty to protect the public. The only reason the court will reduce the sentence is so as to put him at par with his co-accused who was sentenced to six years imprisonment. The Appellant's sentence is accordingly reduced to six years imprisonment.

The appeal succeeds to that extent.

Dated and delivered at Nakuru this 13th day of March, 2003.

**JESSIE LESIIT
JUDGE**