



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL APPEAL NO. 1230 OF 2001**

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**FRANCIS NJUGUNA WARUA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The appellant was convicted of the offence of being in possession of Narcotic Drug C/s 3(1) of the Narcotic Drug and Psychotropic substances Control Act no. 4 of 1994 as read with section 2(a) of the same act and sentenced to 7 years imprisonment.

This appeal is against sentence only. The appellant had the subject matter within court premises that is at the cells. The same was delivered to him by a relative. He had asked for the same according to the evidence that was adduced during the trial.

The appellant was not a first offender as at the time of conviction. He had three previous convictions, one of those relevant to the present. Perhaps, in his favour is that, the last such previous conviction was five years old as at the time he was sentenced. That however does not reduce the seriousness of the offence. There were only 4 rolls of cannabis sativa. They may not have been for commercial use. The sentence of seven years appears harsh and excessive. I shall interfere with the said sentence by reducing the same to four years. It is so ordered. Otherwise the appeal is dismissed.

Orders accordingly.

**MBOGHOLI MSAGHA**

**JUDGE**

**5th December, 2002**