

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

APPELLATE SIDE

CRIMINAL APPEAL NO.716 OF 1999

(From Original convictions and Sentenced in Criminal Case No.805 of

1999 of the chief Magistrate's Court at Nairobi)

OSHODI MWEKE UMAR ALIAS OSHODI OREKE APPELLANT

VERSUS

REPUBLIC RESPONDENT

J U D G M E N T

The appellant was charged and convicted with the offence of trafficking in Narcotic Drug contrary to section 4(a) of the Narcotic Drugs and Psychotropic substances (control) Act No.4 of 1994. He was sentenced to 4 years imprisonment. His appeal to this court is against sentence only.

The learned state counsel supports both conviction and sentence and rightly so.

The offence carries a maximum sentence of life imprisonment, and therefore a sentence of 4 years imprisonment imposed by the trial magistrate against the appellant cannot be said to be manifestly excessive.

The appeal therefore is dismissed.

Dated and delivered at Nairobi this 3rd day of May, 2001

J.L.A. OSIEMO

JUDGE