



**REPUBLIC OF KENYA**

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

**APPELLATE SIDE**

**CRIMINAL APPEAL NO. 60 OF 2001**

**(From Original Conviction and Sentence in Criminal Case No. 177 of 2001 of the Senior Resident Magistrate's Court at Kajiado: H. Ndungu Miss, on 20.3.2001)**

**MARIAM MUENI ::: APPELLANT  
VERSUS**

**REPUBLIC ::: RESPONDENT**

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

20 In the lower court at Kajiado the appellant was charged with trafficking in narcotic drugs C/s. 3(1) (a) of the now popularly called the Narcotic Drugs Act No.4/94 in that on 22.3.2001 along NAMANGA-NAIROBI ROAD she was found trafficking 3 kg. of bhang. The appellant pleaded guilty and was ordered to serve 8 months imprisonment with effect from 26.3.2001. On 9.4.2001 M/s Mutula and Company Advocates Nairobi filed. Seven grounds of appeal, that the exhibit was not placed before the court and no medical report was tendered (about the bhang?) and that the appellant was a first offender. That the prosecution misled the appellant to plead guilty and that the charge was based on mere allegations. That further proof was required to convict the appellant yet she got a sentence that was excessive in the circumstances. Rather a jumbled petition of appeal but the court was still ready to listen to it.

Notice of hearing went out to the appellant's lawyers on 5.6.2001 for hearing 10 on 18.6.2001. They did not appear and a further notice issued on 19.6.2001 for 2.7.2001. Again there was no appearance and the Learned State Counsel was allowed to proceed with the appeal. He noted that perhaps the appellant had lost interest in the appeal. However the plea of guilty appeared regularly taken and that 8 months for a first offender was appropriate. On perusing the lower court record the plea of guilty was properly taken and the sentence merited. This appeal is dismissed. Judgement accordingly.

**Delivered on 16th July 2001.**

**J. W. MWERA  
JUDGE**