



**Musi v Republic (Criminal Appeal 56 of 2024)
[2025] KEHC 1311 (KLR) (4 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 1311 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL 56 OF 2024**

**DR KAVEDZA, J
MARCH 4, 2025**

BETWEEN

DILAN MUSI APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The appellant was charged and convicted on his own plea of guilty for the offence of being in possession of narcotics drugs contrary to section 3(1) as read with 3(2) of the *Narcotic Drugs and Psychotropic Substance Control Act*, No 4 of 1994 to wit 25 rolls of cannabis with a street value of Kshs 2500. He was sentenced to serve five (5) years imprisonment.
2. He has now filed an appeal on the sentence imposed. The grounds raised are that the sentence is harsh and excessive. Since his incarceration he has suffered from health complications. He urged the court to issue a non-custodial sentence.
3. From the record, I note that the appellant was convicted and sentenced on his own plea of guilty. He therefore saved the court’s time. In addition, the pre-sentence report was favourable.
4. In view of the foregoing, it is my finding that the appellant would benefit from a non-custodial sentence to undergo rehabilitation and counselling.
5. I hereby substitute the sentence of five years imprisonment with a Community Service Order for a period of fifteen (15) months. The appellant is directed to report to the Kibera Probation Officer for placement.

JUDGEMENT DATED AND DELIVERED VIRTUALLY THIS 4TH MARCH 2025

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D. KAVEDZA



JUDGE

