



REPUBLIC OF KENYA



**Kinyua v Republic (Criminal Revision 63 of 2023)  
[2024] KEHC 1504 (KLR) (20 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1504 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 63 OF 2023  
DR KAVEDZA, J  
FEBRUARY 20, 2024**

**BETWEEN**

**JULIUS MULI KINYUA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant filed an application seeking sentence review. In the trial before the subordinate court he was charged and pleaded guilty for the offence of being in possession of narcotic drugs contrary to section 3 (1) as read with section 3 (2) (a) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. He was sentenced to serve five (5) years imprisonment.
2. Although sentences are intended, *inter alia*, to punish an offender for his wrongdoing, they also aim to rehabilitate offenders to renounce their criminal tendencies and become law-abiding citizens. I have no doubt that the sentence imposed by the trial court, in this case, was lawful. However, the applicant was a first offender and pleaded guilty to the offence and hence did not waste the court's time. I am satisfied that the sentence was harsh and manifestly excessive.
3. The sentence of five years imprisonment is vacated and substituted with a sentence of one-year imprisonment to run from the date of his conviction.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 20<sup>TH</sup> DAY OF FEBRUARY 2024**

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**D. KAVEDZA**

**JUDGE**

