



REPUBLIC OF KENYA



**Mwangi v Republic (Criminal Revision E062 of 2024)
[2024] KEHC 3429 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3429 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E062 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

PAUL MWANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with 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 Substance Control Amendment Act, 2022](#).
2. The applicant pleaded guilty to the offence and as a consequence, he was convicted on his own plea of guilty and sentenced to serve two years imprisonment.
3. The applicant has approached this court pursuant to sections 357,362,364& 382 of the [Criminal Procedure Code](#) as construed with Article 50(2)(p)&(q) as conjunctively read with Article 50(6)(a)&(b) of the [Constitution](#) and having considered the Probation Officer’s report dated 26th March 2024, the Court holds as follows;
4. One of the key highlights flows from the recommendation from the report contextualized in the following language “the inmate is ready and willing to serve a community service order at Kapkoros Chief’s office for the remaining period of four months’.
5. The nucleus of any correctional system is its rehabilitative and reparative functions and in the famous words of Lord Hewart, Justice must not only be done, but must also be seen to be done”. This dictum was laid down in the case of *Rex v. Sussex Justices*, [1924] 1 KB 256. The empirical evidence in this matter shows that the offender has been rehabilitated and is reformed, ready for re-integration into the society.



6. In view of the foregoing, I am persuaded by the Probation officer's report that this a fit case for a non-custodial sentence. As a consequence, I direct that he serves a probation sentence for the remaining period of 4 months. Monthly reports shall be filed in court by the probation officer in ensuring compliance.

SIGNED, DATE AND DELIVERED AT ELDORET THIS 11TH DAY OF APRIL 2024.

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R. NYAKUNDI

JUDGE

