



**Nganga v Republic (Revision Case E546 of 2022)  
[2023] KEHC 21218 (KLR) (24 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21218 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E546 OF 2022  
SM MOHOCHI, J  
JULY 24, 2023**

**BETWEEN**

**ANTONY NGANGA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Application for review of sentence meted in Nakuru CM's Criminal Case No E3605 of 2022.)*

**RULING**

1. The Application for sentence review has been placed before Court for consideration.
2. The Applicant was convicted on his own plea of guilty for 2 offences namely; being found in possession of narcotic drug contrary to Section 3 (1) as read with Section 3 (2) (a) of the [Narcotic Drug and Psychotropic Substances Control Act 1994](#) and being in possession of unaccustomed goods contrary to section 200 (a) (iii) as read together with section 200 and 213 (i) of the [East Africa Community Management Act 2004](#).
3. Upon conviction and mitigation, the Applicant was fined Kshs 10,000 upon default to serve imprisonment for 3 months in Count 1 and fine of Kshs 30,000/= upon default to serve an imprisonment of 7 months, both sentences to run consecutively.
4. The Court consequently called for and has reviewed the entire proceedings in Nakuru CM's Criminal Case No E3605 of 2022 and makes the following observations: -
  - i. The sentence imposed was lenient under the circumstances.
  - ii. The sentencing Court took into consideration the Applicant's mitigation and 1<sup>st</sup> offender benefit.
  - iii. The sentencing Court considered the fact that the Applicant pleaded guilty.



5. The Court accordingly finds no merit in the application and accordingly dismisses the same.
6. If the Applicant defaulted on the payment of a fine, he may serve his full term imprisonment.
7. It is so ordered.

**SIGNED, DATED AND DELIVERED IN OPEN COURT AT NAKURU ON THIS 24<sup>TH</sup> JULY, 2023**

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**MOHOCHI S.M**

**JUDGE**

**In the presence of:** -

Court Assistant – Schola

State Counsel – Ms. Mburu

