



**Opeth v Republic (Miscellaneous Criminal Application
E043 of 2023) [2023] KEHC 22186 (KLR) (3 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22186 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E043 OF 2023**

**A. ONG'INJO, J
AUGUST 3, 2023**

BETWEEN

RACHEAL ONYANGO OPETH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was sentenced to serve 4 years in prison for the offence of trafficking in narcotic drugs contrary to Section 4 (a) of the [Narcotic Drugs and Psychotropic Substances Control Act](#) No 4 of 1994 on August 19, 2022.
2. She was arraigned in court on March 3, 2022 and she was not released on bond. The trial was however expedited and concluded on August 19, 2022.
3. The sentence review report was filed on July 24, 2023 and it is in favour of the applicant being placed on probation to complete the remainder of her service.
4. Considering that she has been in custody since March 3, 2022, and has therefore been in custody for one year and 5 months, if remission is factored in her sentence, it means she remains with one year and one month to complete her term.
5. The applicant's sentence is reviewed to 12 months on probation.

DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,

THIS 3RD DAY OF AUGUST 2023

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -



Ogwel- Court Assistant

Mr. Ngiri for the Respondent

Applicant present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

