



REPUBLIC OF KENYA



KENYA LAW
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**Mwai v Republic (Criminal Appeal 81 of 2018)
[2021] KEHC 3314 (KLR) (7 October 2021) (Judgment)**

Agnes Wangui Mwai v Republic [2021] eKLR

Neutral citation: [2021] KEHC 3314 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI**

CRIMINAL APPEAL 81 OF 2018

HPG WAWERU, J

OCTOBER 7, 2021

BETWEEN

AGNES WANGUI MWAI APPELLANT

AND

REPUBLIC RESPONDENT

*(Appeal from original Sentence in Nanyuki CM
Criminal Case No 1950 of 2017 – D Bosibori, RM)*

JUDGMENT

1. The Appellant herein, Agnes Wangui Mwai, was convicted after trial of being in possession of narcotic drugs contrary to section 3(1) & (2) (a) of the *Narcotic Drugs and Psychotropic Substances (Control) Act*, 1994. On 12/06/2018 she was sentenced to serve six (6) years imprisonment. She appealed only against the sentence.
2. The Appellant was not a first offender. She had at least one previous relevant conviction (relating to illicit drinks). Nonetheless, she was a single mother of two young children and was taking care of at least one other child of her deceased sister. The narcotic drugs that were found in her possession amounted only to KShs 1,900/00 in value. A sentence of six (6) years imprisonment was manifestly excessive in the circumstances.
3. I will partially allow this appeal against sentence by setting aside the 6 years imprisonment awarded, and substitute therefor the term already served (which is slightly over three years). This means that the Appellant shall be set at liberty forthwith unless otherwise lawfully held. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 18TH DAY OF AUGUST 2021

H P G WAWERU



JUDGE

