

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

(CORAM: R. MWONGO, J.)

CRIMINAL REVISION NO. 42 OF 2019

BERNARD KIBE MWANGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(From Original Criminal Case No. 318 of 2019 of the Principal Magistrate's Court at Engineer - Hon. R. L. Musiega (RM))

20/01/2010

In Chambers Before Hon. Justice R. Mwango, J

C/C - Ogotu

COURT

1. The file coming up for revision. The Applicant/Reviewee was convicted for trafficking in Cannabis Sativa and sentenced to a fine of Kshs 500,000/= in default to serve 10 years imprisonment with effect from 19th June, 2019.
2. The Applicant is a repeat offender having been convicted for Trafficking in Narcotic drugs (Cannabis) and was sentenced to 3 years and 4 months imprisonment in Criminal Case No. 37 of 2018.
3. Vide High Court Revision No. 103 of 2019 Applicant sentence was revised and he was freed to non-custodial sentence on 27th February, 2019. According to the Probation Officer's Report in the present case, the Applicant absconded from the Community Service ordered on 27th February, 2019 and disappeared only to be arrested, charged and convicted for a similar offence in the present case where he was sentenced to 10 years imprisonment.
4. In light of the foregoing, the Applicant's revision application fails.

ORDER

The court however reduces the Applicant's sentence from 10 years to four (4) years with effect from 19th June, 2019.

Orders accordingly.

Written and dated at Naivasha this 20th day of January, 2020.

RICHARD MWONGO

JUDGE