

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.41 OF 2017

SHEILA SULTANA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant, Sheila Sultana was convicted of **trafficking narcotic drugs** contrary to **Section 4(a)** of the **Narcotic Drugs and Psychotropic Substances (Control) Act**. The Applicant was found in possession of 11.054 kilograms of heroin at Jomo Kenyatta International Airport on 28th January 2010. She was sentenced to serve 15 years imprisonment, and further, pay a fine of Kshs.33,162,000/-. The Applicant was sentenced on 10th February 2011. The Applicant has applied to this court seeking to have a revision of sentence. She states that she is old and sickly. She is contrite and remorseful for the offence that she committed. She told the court that she was experiencing hardship in life when she was persuaded to engage in drug trafficking. She pleaded with the court to exercise leniency on her and revise her sentence. The application was not opposed by the State.

This court has carefully considered the facts of the case. The Applicant is not appealing against conviction. In fact she is contrite and remorseful for the offence that she committed. This court has also taken into account the period that the Appellant has been in lawful custody. She has been in prison for eight and a half (8^{1/2}) years. During this period, her behaviour has been exemplary while in prison. According to a report presented to court, the Officer In-charge of Langata Women Prison states as follows:

“Sheila Sultana is a Muslim faithful who participates in Muslim activities, well-disciplined in the way she conducts herself. She is the in charge of fellow Muslim inmates. On admission she was stressed and broken. Through intensive counselling and guidance she became stronger and more confident. She actively participates in the ongoing madrassa lessons and spiritual counselling. She has morally and spiritually changed and supports fellow inmates in learning the Quran...Sheila comes through as an all-round and active client who embraces honesty and persons of all backgrounds. This positive approach has seen her get involved in a host of programmes captured in the template above. She seems to have collected herself and have a new zeal for her future especially with the fact that she is now a grandmother. If she remains as positive with the right attitude as she is right now chances are that she will have turn around for better and more responsible life.”

As stated earlier in this Ruling, the State is not opposed to the Applicant’s application of review of sentence. This court notes the Applicant’s age. It has also taken into consideration the behavioural change that she has undergone while in prison. In light of the above circumstances, this court is of the considered view that the Applicant has paid her debts back to the society.

In the premises therefore, her custodial sentence is commuted to the period served. She shall be released from prison and handed over to the Directorate of Immigration so that she can be repatriated back to Pakistan, her country of origin. It is so ordered.

DATED AT NAIROBI THIS 5TH DAY OF JULY 2018

L. KIMARU

JUDGE