



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**CRIMINAL APPEAL NO. 24 OF 2012**

**KASEE KITHUKU KOLA ..... APPELLANT**

**VERSUS**

**REPUBLIC**

*(Being an appeal from the sentence of Hon. P. Wambugu Resident Magistrate delivered on 1/03/2013 in Makindu Principal Magistrate Criminal Case No. 156 of 2013)*

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*(Before Hon. B. Thurania Jaden J)*

**J U D G M E N T**

1. The Appellant, **Kasee Kithuku Kola** was charged with the offence of being in possession of **Cannabis Sativa** contrary to **section 3 (1) (2) of Narcotic Drugs and Psychotropic Substance Control Act No. 4 of 1994**.

The particulars of the offence were that on the 11<sup>th</sup> day of February 2013 at **Kibwezi Township, Mikuyuni Sub-location** in **Kibwezi District** within **Makueni County** was found being in possession of **Cannabis Sativa** (bhang) to wit 55 grams which was not in medical preparation with a street value of Kshs.420/=.

2. When the Appellant was arraigned before the trial court, he pleaded guilty. On 1/3/13 the Appellant was sentenced to ten (10) years imprisonment. The appeal is on sentence only.
3. The sentence of ten years was harsh and excessive taking into account the quantity of the **Cannabis Sativa**. I reduce the sentence to the period already served.

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**B. THURANIRA JADEN**

**JUDGE**

**Dated and delivered at Machakos this 3<sup>rd</sup> day of June 2014.**

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**B. THURANIRA JADEN**

**JUDGE**