

REPUBLIC OF KENYA

High Court at Mombasa

Criminal Appeal 457 of 2010

(From Original Conviction and Sentence in Criminal Case No. 529 of 2010 of the Senior Principal Magistrate's Court at Voi – Nyakundi L.M. (RM))

GABRIEL MAZERAS APPELLANT

- Versus -

REPUBLIC RESPONDENT

JUDGMENT

The Appellant was convicted and sentenced to ten years imprisonment for the offence of being found in possession of Narcotic Drugs contrary to Section 3(1) as read with Section 3(2) (a) of the Narcotic Drugs and Psychotropic Substances Control Act No. 4 of 1994.

The particulars are that on the 9th day of July 2010 at Sikujua area in Voi District he was found in possession of Narcotic Drugs namely one (1)kg of cannabis sativa with a street value of Kshs. 1,200/-.

It is instructive to note that the accused person pleaded guilty to the charge and he did not waste precious Judicial time. He had (according to the prosecution) previously been convicted on a similar charge and sentenced to a fine of Kshs. 10,000/- in default 3 months imprisonment.

I do find however, the imprisonment term of ten years for being in possession of one (1)kg of cannabis sativa harsh and excessive. The imprisonment term of ten years is reduced to three years. To that extent only does the appeal succeed.

Judgement read and delivered in open Court this 11th day of April, 2013.

**M. MUYA
JUDGE**

In the presence of:-

Mr. Gioche for State

Accused - present

Court clerk – Mr. Philip