

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

Criminal Appeal 13 of 2009

ROBERT KIDUDU APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGEMENT

The appellant was charged with the offence of being in possession of narcotic drug contrary to Section 3 (1) of the Narcotic Drugs and Psychotropic Substances Control Act No. 4 of 1994. He pleaded guilty and was sentenced to serve ten (10) years imprisonment. His appeal to this Court is against sentence only. The learned State Counsel concedes that the appellant having pleaded guilty the sentence of ten (10) years imprisonment is on the higher side.

I concur with the learned State Counsel that the appellant having pleaded guilty to the charge, the sentence of ten (10) years is on the higher side. The appellant has served five (5) years. I allow the appeal and reduce the sentence to a period already served.

The appellant should be set at liberty immediately unless otherwise lawfully held.

Dated and delivered at Eldoret this 2nd day of March 2010.

J. L. A. OSIEMO
JUDGE