

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL 135 OF 2008

**JOSEPH NYAMBUNE JUMA.....
.....APPELLANT**

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

JOSEPH NYAMBUNE JUMA, the Appellant, was on his own plea of guilty to a charge of trafficking in narcotic drugs contrary to Section 4A of the Narcotic Drugs and Psychotropic Substances (Control) Act No.4 of 1994 convicted and sentenced to serve 5 years imprisonment. He has appealed to this court against that sentence.

In both his petition of appeal and submissions before me he prays for leniency claiming that his parents are dead and that he is the bread winner of his family. He further claims that he was duped by a certain woman to carry for her a bag which turned out to contain bhang. As this is an appeal only against sentence, Mr. Mugambi for the state left the matter to me.

Having considered these mitigating circumstances and the fact that the Appellant has been incarcerated since 17th January 2007 for being in possession of 16kgs of cannabis santiva, I think he has had enough punishment. I therefore reduce the sentence to a period that will secure his immediate release.

DATED and DELIVERED at Nakuru this 3rd day of October, 2008.

D. K. MARAGA

JUDGE