



**Munyiri v Republic (Criminal Revision E112 of 2025)  
[2026] KEHC 666 (KLR) (29 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 666 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
CRIMINAL REVISION E112 OF 2025  
LN MUTENDE, J  
JANUARY 29, 2026**

**BETWEEN**

**DICKSON MURAGE MUNYIRI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Dickson Murage Munyiri, the Applicant, was arraigned in Nyahururu Chief Magistrate’s Court Cr. Case No. E431 of 2025 for the offence of being in possession of Narcotic Drugs (Bhang) contrary to Section 4(1) as read with Section 4(ii) of the Narcotic Drugs and Psychotropic Substances Amendment Act No. 4 of 2022.
2. The particulars of the offence were that on the 24<sup>th</sup> day of May, 2025, at Karuga Trading Centre, Losogwa Sub-Location, Igwamiti Location in Nyahururu Sub-County within Laikipia County, was found being in possession of narcotic drugs (bhang) to wit 80 rolls worth Kshs.4,000/- and unprocessed seeds to wit 2kgs valued at Kshs.3,000/- which was not meant for medical purposes and not authorized under the regulation of this Act.
3. He admitted the charge, was found guilty, convicted and sentenced to serve one(1) year imprisonment.
4. Through an undated Notice of Motion filed herein on 01/07/2025 he seeks revision of the sentence imposed. He mitigates and pleads with the court to be considered for a non-custodial sentence instead of the incarceration.
5. The application is not opposed by Ms. Mumbi learned prosecution counsel for the Republic/ Respondent.



6. I have considered the application and perused the lower court record. Section 362 of the Criminal Procedure Code provides;

“The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court.”

7. The High Court is seized of supervisory jurisdiction over the subordinate court, to correct errors made in order to ensure principles of justice are not violated.

8. In the instant case the Complaint is in regard to sentence. The Applicant does not challenge legality of the sentence but seeks an order that will enable him to serve a non-custodial sentence. Put it differently, the Applicant seeks to have the sentencing discretion of the trial court reconsidered.

9. In *Ahamed Abolfathi Mohammed & Another* [2018] KECA 743 (KLR)

“Sentence is essentially the exercise of discretion, as a principle this Court will normally not interfere with exercise of discretion by the court appealed from unless it is demonstrated that the court acted on wrong principle; ignored material factors; took into account irrelevant considerations; or on the whole that the sentence is manifestly excessive. In *Bernard Kimani Gacheru v. Republic*, Cr App No. 188 of 2000 this Court stated thus:

“It is now settled law, following several authorities by this Court and by the High Court, that sentence is a matter that rests in the discretion of the trial court. Similarly, sentence must depend on the facts of each case. On appeal, the appellate court will not easily interfere with sentence unless, that sentence is manifestly excessive in the circumstances of the case, or that the trial court overlooked some material factor, or took into account, some wrong material, or acted on a wrong principle. Even if, the Appellate Court feels that the sentence is heavy and that the Appellate Court might itself not have passed that sentence, these alone are not sufficient grounds for interfering with the discretion of the trial court on sentence unless, anyone of the matters already stated is shown to exist.”

10. Section 4(a)(i)(ii) of the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act, 2022 provides thus;

4. Any person who traffics in, or has in his or her possession any narcotic drug or psychotropic substance or any substance represented or held out by him or her to be a narcotic drug or psychotropic substance, shall be guilty of an offence and liable—

(a) in respect of any narcotic drug or psychotropic substance—

(i) where the person is in possession of between 1— 100 grams, to a fine of not less than thirty million shillings imprisonment for a term of thirty years, or to both such fine and imprisonment;

(ii) where the person is in possession of more than 100 grams, to a fine of not less than fifty million shilling or three times the market value of the narcotic drug or psychotropic substance, whichever is greater, or to imprisonment for a term of fifty years, or to both such fine and imprisonment,



11. The Applicant having been in possession of 2kgs of narcotic drugs should have definitely called for a stiffer sentence. Had the learned prosecution counsel read the pre-sentence report filed in the lower court, probably her response for the application should have been different as the Applicant is admitted to have possessed the bhang for personal use as well as sale.
12. This being an application for revisions, the court cannot substantiate it with an appeal. it is limited to interrogating whether there was an illegality or impropriety occasioned by the court in taking procedural steps.
13. I therefore find the application unmerited. Accordingly, it is dismissed.
14. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 29<sup>TH</sup> DAY OF JANUARY, 2026.**

**L.N. MUTENDE**

**JUDGE**

