

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**HIGH COURT CRIMINAL REVISION CASE NO. E134 OF 2025**

**IBRAHIM MUSA MAYIEKO.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**RULING**

1. The Applicant herein **IBRAHIM MUSA MAYIEKO** has filed this application seeking review of his sentence. The Applicant had been charged with **BEING IN POSSESSION OF NARCOTIC DRUGS CONTRARY TO SECTION 49(a) (1) OF THE NARCOTIC DRUGS and PSYCHOTROPIC SUBSTANCES ACT 2022.**

2. The particulars of the charge were that

**“On 20<sup>th</sup> day of February 2025 at around 2130 hours at Gitunduti area in Mathira East Sub-county of Nyeri County you were found in possession of 68 rolls and unprocessed bhang weighing 2 Kilograms of street**

**value of Ksh. 5,400/= which was not in medical preparation form.”**

3. The applicant entered a Plea of **‘Guilty’** to the charge. The facts were read out and the applicant maintained his plea of Guilty. The court then convicted the Applicant on his own plea.
4. Following his conviction the applicant was offered an opportunity to offer mitigation after which the court sentenced him to pay a fine of **Kshs. 100,000/=** in default to serve **two (2) years** imprisonment.
5. The applicant now, prays for a review of his sentence. The ODPP opposed the application.
6. The Power of the High Court to review sentences is set out in **Section 362** of the **Penal Code, Cap 63 Laws of Kenya** which provides as follows:-

**“The High Court may call for and examined 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 in any such subordinate court.”**

7. The orders which the High Court may make upon revision are provided by **Section 364** of the **Penal Code**.
8. I have carefully perused the record of the proceedings in the Lower Court. I am satisfied that the trial was properly conducted. The applicant entered a plea of guilty to both counts. The facts were read out and the applicant maintained his plea of Guilty. As such I find that applicant was properly convicted.
9. I have considered the application. The value and amount of bhang recovered on the applicant was not negligible and could not have been for his personal use only. I have considered the provisions of **Section 49(a)** of the Act. In my view the sentence imposed was lawful. I am not inclined to interfere with the same.
10. Finally I find no merit in this application for review of sentence. The same is dismissed in its entirety.

**Dated in Nyeri this 13<sup>th</sup> day of February 2026.**

.....  
**MAUREEN A. ODERO**  
**JUDGE**

ORIGINAL