



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Mainye v Republic (Criminal Revision E002 of 2025)  
[2025] KEHC 3195 (KLR) (31 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 3195 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E002 OF 2025  
WA OKWANY, J  
JANUARY 31, 2025**

**BETWEEN**

**PISA MWENE MAINYE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Keroka, Criminal Case No. MCCR E388 of 2024 by Hon. E.K. Nyutu, Chief Magistrate on 31st May 2024.)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of being in possession of Cannabis Sativa (Bhang) contrary to Section 3 (2) of the [Narcotic Drugs and Psychotropic Substances Control Act](#) No. 4 of 1994. The trial court sentenced him to pay a fine of Kshs. Sixty thousand (Kshs. 60,000/=) or to serve twelve (12) months imprisonment in default. The Applicant has served 5 months and 2 weeks of his sentence and is remaining with seven (7) months after remission, to complete the sentence. The Sentence Review Report filed on 13<sup>th</sup> January 2025 by the Probation Officer Mr. Mpaera Lerionka Johnstone does not recommend a non-custodial sentence. I hereby direct that the Applicant shall continue to serve the remainder of his sentence in custody.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 31<sup>ST</sup> DAY OF JANUARY 2025.**

**W.A. OKWANY**

**JUDGE**

