



**Mugo v Republic (Criminal Revision E093 of 2023)
[2025] KEHC 430 (KLR) (27 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 430 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E093 OF 2023
DR KAVEDZA, J
JANUARY 27, 2025**

BETWEEN

JOSEPH MACHARIA MUGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with two counts of the offence of trafficking in narcotic drugs, contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances Control Act* No. 4 of 1994. After a full trial, he was convicted of the two counts charged. In count I, he sentenced to pay a fine of Kshs. 2,301,840 in default to serve one (1) year imprisonment, in addition to serve an imprisonment term of two (2) years. In count II, he sentenced to pay a fine of Kshs. 1,000,000 in default to serve 1-year imprisonment, in addition to serve an imprisonment term of one (1) year. His appeal before this court was dismissed on 23rd October 2024.
2. He has filed the present application dated 16th December 2024 seeking review of the orders of this court. The grounds raised are that there was a mistake apparent on the face of the record, in that the court failed to indicate whether the sentence should run concurrently or consecutively.
3. I have considered the application, the affidavit in support and the applicable law.
4. From the record, the sentence was imposed by the trial court after considering the applicant’s mitigation, the pre-sentence report and the fact that he was a first offender. The sentence imposed was therefore legal.
5. The applicant’s appeal was dismissed in its entirety. In addition, I find no mistake apparent on the face of the record, to warrant the court’s interference with its decision.
6. For the foregoing reasons, the application is found to be lacking in merit and is dismissed.



Orders accordingly.

RULING DATED AND DELIVERED THIS 27TH DAY OF JANUARY 2025

D. KAVEDZA

JUDGE

