



**Mwarachi v Republic (Criminal Revision E053 of 2025)  
[2025] KEHC 12420 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12420 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E053 OF 2025  
RN NYAKUNDI, J  
SEPTEMBER 4, 2025**

**BETWEEN**

**SAMWEL MWARACHI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

M/s Kirenge for the State

1. The Applicant Samwel Mwarachi was charged with being in possession on narcotic drugs contrary to Section 3(1) as read with Section 3(2) (a) of the Narcotic Drugs and Psychotropic Substances No. 4 of 1994.
2. The brief facts of the particulars are that on the 9<sup>th</sup> day of February 2025 at around 1700 hours Sukunanga Estage Cheptiret Location in Kesses Sub-County within Uasin Gishu County, was found in possession of narcotic drugs namely cannabis to wit 500 grams, which was inside a blue carrier bag with a street value of Ksh 2050/= in contravention of the said Act.
3. The Applicant was sentenced to serve 4 months imprisonment and has moved the court for review of the sentence.

**Decision**

4. The application is based under the legislative scheme of the law under Section 362 of the Criminal Procedure Code. This is revisional jurisdiction which emphasizes the power of the High Court to correct errors of law or fact that cause miscarriage of justice rather than a mere appellate powers. The key grounds in the provisions and which have also been developed over time by our court system include illegalities, irregularities, impropriety or failure to exercise jurisdiction, or exercise the same in excess of the statutory provisions by the Lower Court.



5. It is evident from the record that the Applicant is not entitled to any relief under this provision for reason of lack of merit. The application therefore is dismissed appropriately.
6. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT ELDORET THIS 4<sup>TH</sup> DAY OF SEPTEMBER 2025.**

.....

**R. NYAKUNDI**

**JUDGE**

