



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wafula alias Jonte v Republic (Criminal Revision E054 of 2023)  
[2025] KEHC 12421 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12421 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E054 OF 2023  
RN NYAKUNDI, J  
SEPTEMBER 4, 2025**

**BETWEEN**

**KENNEDY WAFULA ALIAS JONTE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Kennedy Wafula Alias Jonte was charged with the offence of being in possession of narcotic drugs (Bhang) contrary to Section 3(1) as read with Section 3(2) (a) of the Narcotic Drugs and Psychotropic Substances Control Act No. 4 of 1994.
2. The brief facts of the particulars are that on the 7<sup>th</sup> day of February 2025 at around 2330hrs at Juakali Trading Center, Kamagut Location, Turbo Sub-County within Uasin Gishu County, was found in possession of (20) rolls of cannabis sativa (Bhang) with street value of Kshs 3000/= which was to in a medical preparation form.
3. The Applicant on his own plea of guilty was convicted and sentenced to serve 4 months' imprisonment on 14<sup>th</sup> February 2025.
4. He is aggrieved with the sentence and seeks review.

**Decision**

5. The applicable provisions of the law for this court to exercise jurisdiction falls within the scope of Article 165 (6) & (7), Article 50 (2) & (p) & (q), and Section 362 read together with section 364 of the Criminal Procedure Code. The court is essentially invited to delve into the judicial discretion of the trial court to establish whether there were any patent errors of facts, or law, mistake or any other sufficient cause likely to render the sentence unjust or prejudicial to the applicant.



6. The law on this area on review of sentence is articulated in many jurisprudential decisions i.e., Benard Kimani Gacheru vs. Republic [2002] eKLR, Ogolla s/o Owuor vs. Republic [1954] EACA 270 & Shadrack Kipkoech Kogo -vs- Eldoret Criminal Appeal No. 253 of 2003.
7. From the above principles this case does not merit review of sentence. The same is dismissed under Section 382 of the Criminal Procedure Code.

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

.....

**R. NYAKUNDI**

**JUDGE**

