



**Lateef v Republic (Criminal Revision 118 of 2024)
[2024] KEHC 4239 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4239 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 118 OF 2024
DR KAVEDZA, J
APRIL 30, 2024**

BETWEEN

ALABI TUNDE LATEEF APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice’s memo dated 7/12/2022, which provides that inmates who are serving three years imprisonment or less may be considered for non-custodial sentences.
2. I have gone through the file and noted that the applicant herein was convicted on his own plea of guilty, pursuant to a plea agreement with the prosecution, for the offence of trafficking in narcotic drugs contrary to section 4 (a) (i) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. He was sentenced on 05.03.2024 to serve eight (8) months imprisonment. He was also sentenced to pay a fine of Kshs. 200,000/=, in default to serve 1 year imprisonment. The sentences were to run concurrently.
3. Prior to sentencing, the trial magistrate considered that the applicant pleaded guilty and saved the court’s time. She also considered the pre-sentence report dated 26.02.2024, which found the applicant to be unsuitable for a non-custodial sentence.
4. I have thoroughly gone through the sentencing remarks by the trial court and found that the trial magistrate correctly arrived at the conclusion that the applicant is not suitable for a non-custodial sentence. I shall therefore not interfere with the sentence of the trial court.
5. Finally, the applicant pleaded guilty pursuant to a plea bargaining agreement with the prosecution dated 5th February 2024. I have also noted from the record that prior to adopting the said plea



agreement, the trial magistrate extensively informed the applicant of his rights, which the applicant confirmed to have understood.

6. As such, following the plea bargaining agreement, the applicant benefitted from a lesser sentence, which he is bound to serve.
7. The upshot is that the applicant is not eligible for a non-custodial sentence.
8. File closed.

Orders accordingly.

RULING DELIVERED THIS DAY 30TH DAY OF APRIL 2024.

D. KAVEDZA

JUDGE

