



THE REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 106 OF 2018

MOHAMED SHARABATI..... PETITIONER

VERSUS

THE DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

Before Hon. Justice E. Ogola

Court Assistant Kaunda

Ms. Ogega for State

Petitioner in person

Ms. Ogega:

RULING

The Petitioner was charged and convicted with two offences of robbery with violence and assault causing actual bodily harm.

The Petitioner together with others was armed with pangas, arrows and stones and robbed the complainant of Kshs. 7,000/=. They attacked the complainant with a panga and cut his hand. He was found guilty and sentenced to death. He has served 21 years in prison. He is 48 years. I pray that he be sentenced to 25 years in prison including the time served.

Petitioner:

I have nothing to say.

HON. E. OGOLA

JUDGE

Court:

The Petitioner has nothing to say. However, he was spent 21 years in jail. The Petitioner has atoned for his crime. Nobody was killed in the process. He is a welder. If released, he will continue with his profession. I therefore jail the Petitioner to a term of 21 years which he has already served. He is therefore set free unless lawfully held.

HON. E. OGOLA

JUDGE

09/03/2020