



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISUMU**

**(CORAM: CHERERE-J)**

**PETITION NO. 54 OF 2019**

**BETWEEN**

**DALMAS MAGWA.....PETITIONER**

**AND**

**REPUBLIC.....RESPONDENT**

**JUDGEMENT**

**Introduction**

1. On 03<sup>rd</sup> September, 2004, the trial court in **KISUMU CRIMINAL CASE NO.201 of 2004** convicted and sentenced the Petitioner herein and the Petitioner in **PETITION NO. 16 OF 2018** to death for the offence of robbery with violence contrary to section **296(2)** of the Penal Code. The death sentence was later commuted to life imprisonment.
2. The Petitioner in **PETITION NO. 16 OF 2018** was on 19th February, 2018 resented to serve 30 years' imprisonment from 03rd September, 2018.
3. Consequently, the Petitioner is resented to serve **30 years'** imprisonment from **03<sup>rd</sup> September, 2004** when he was convicted and sentenced.

**DELIVERED AND SIGNED IN KISUMU THIS 05<sup>th</sup>**