

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CONSTITUTIONAL PETITION NO. 41 OF 2018

MOHAMED ISSA MBELA.....PETITIONER

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

JUDGMENT ON RESENTENCING

1. I have seen the **Release Order** in **Petition No.49 of 2018 Malindi** where the Petitioner's co-accused **Ali Said Abdalla** was released by Malindi Court on **26th February 2020**.

2. On that basis, and for parity of justice, the Petitioner herein is now jailed to a term equivalent with that already served with the consequence that the Petitioner is hereby released from prison forthwith unless validly held.

That is the Judgment of the Court.

Dated, Signed and Delivered at Mombasa this 15th day of December, 2020.

E. K. OGOLA

JUDGE

Judgment delivered in chambers via MS Teams in the presence of:

Mr. Fedha for State

Petitioner in person

Ms. Peris Court Assistant

Note:

In view of the declaration of measures restricting court operations due to the **COVID-19** pandemic and in light of the directions issued by His Lordship the Chief Justice on **15th March 2020**, this Judgment has been delivered to the parties online with their consent. They have waived compliance with **Order 21 Rule 1** of the Civil Procedure Rules which requires that all Judgments and Rulings be pronounced in open Court.