

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE- J.)

PETITION NO. 20 OF 2019

BETWEEN

GEOFREY OKOTH OKECH.....PETITIONER

AND

REPUBLIC.....RESPONDENT

JUDGMENT

1. GEOFREY OKOTH OKECH, (*hereinafter referred to as the petitioner*) together with ROBERT OWINO OWITI and EDWIN MAKUNDA OUTA were jointly charged, convicted and sentenced to death for three offences of robbery with violence contrary to section 296(2) of the Penal Code. The convictions and sentence were upheld by the High Court and the Court of Appeal.
2. Both EDWIN MAKUNDA OUTA and ROBERT OWINO OWITI have already been resented to 18 years in **HC PETITION NO. 12 OF 2017 and HC PETITION NO. 3 OF 2018** respectively.
3. I have considered that the Petitioner, EDWIN MAKUNDA OUTA and ROBERT OWINO OWITI committed the offences under similar circumstances and find no reason to deviate from the reasoning by Ochieng J. in **HC PETITION NO. 12 OF 2017 (UR) and HC PETITION NO. 3 OF 2018 (UR)**
4. In the result, the Petitioner is resented to **18 years** imprisonment which will run from 13th February, 2008.
5. For avoidance of doubt, the Petitioner's sentence having been commuted to a definite imprisonment term is also entitled to benefit from remission of sentence **if he meets the conditions**. It is so ordered.

DATED AND SIGNED IN KISUMU THIS 27th DAY OF June, 2019

T. W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Petitioner - Present in person

For the State - Mr. Kakoi