

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE- J.)

PETITION NO. 44 OF 2019

BETWEEN

JAMES AYANGA OKULU.....PETITIONER

AND

REPUBLIC.....RESPONDENT

JUDGMENT

1. **JAMES AYANGA OKULU, (*hereinafter referred to as the petitioner*)** together with BENSON TITO BULIMO were jointly charged, convicted and sentenced to death for the offence 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. BENSON TITO BULIMO already been resented to 20 years in **PETITION NO. 88 OF 2018 (UR)**.
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 **PETITION NO. 88 OF 2018 (UR)**
4. In the result, the Petitioner has served 16 years. He is resented to **20 years'** imprisonment which will run from 29th May, 2019 when his co-accused was resented in **PETITION NO. 88 OF 2018 (UR)**
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 24th DAY OF October 2019

T. W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Amondi

Petitioner - Present in person

For the State - Ms. Gathu