



**THE REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO. 28 OF 2016**

**JUMA BEJA MWAGUSA.....PETITIONER**

**VERSUS**

**THE DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT**

28/11/2019

Before Hon. Justice E. Ogola

Court Assistant Kaunda

Petitioner in person

**Court/Judgment**

The petitioner herein was convicted of robbery with violence and sentenced to death. He has now served 18 years in jail.

The prosecution submitted that the petitioner be jailed to 21 years including the 18 years already served.

I have carefully considered the petition and the mitigation of the petitioner. The petitioner is remorseful and I believe that he has reformed. Accordingly, therefore I hereby set aside the death sentence imposed upon the petitioner by the trial court and instead thereof I jail him for a term equivalent to the time already served in the jail with the result that the petitioner is hereby freed and released from jail unless otherwise lawfully held.

Orders accordingly.

**E. K. O. OGOLA**

**JUDGE**

28/11/2019