



**Isigoli v Republic (Miscellaneous Criminal Application
E169 of 2023) [2024] KEHC 233 (KLR) (22 January 2024) (Sentence)**

Neutral citation: [2024] KEHC 233 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E169 OF 2023**

**A. ONG'INJO, J
JANUARY 22, 2024**

BETWEEN

KENNEDY HAMISI ISIGOLI APPLICANT

AND

REPUBLIC RESPONDENT

SENTENCE

1. The applicant Kennedy Hamisi Isigoli was charged and convicted for the offence of robbery with violence in Mombasa CMC Cr. C. No. 2557 of 2011. He was sentenced to suffer death in Count I whereas the sentence in Count II and III were kept in abeyance. The applicant's appeal in Mombasa H. C. Cr. A. No. 148 of 2014 was dismissed and conviction and sentence upheld.
2. The applicant's appeal to the Court of Appeal in Cr. A. No. 38 of 2018, the conviction was upheld but death sentence was set aside. The Applicant was sentenced in Count 1 and II to serve 20 years jail term whereas he was to serve 2 years imprisonment in Count III. The sentences were ordered to run concurrently.
3. The applicant now seeks that this court factors the remand period in his sentence.
4. The applicant was arraigned in court on 15th August 2011 and it is indicated his bond terms were reduced on 1st October 2012 to Kshs. 700,000 with one surety of like amount but my perusal of the proceedings in the lower court does not indicate if he raised security to enable him face trial while on bond. On 3rd July 2013, the bond terms were further reviewed to Kshs. 400,000 and one surety of similar amount but he was unable to raise the security.
5. The applicant is therefore entitled to benefit from the provisions of Section 333(2) of the *Criminal Procedure Code*. The sentence against the applicant of 20 years in Count I and II as well as 2 years in Count III to run concurrently with effect from 15th August 2011.



**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 22ND DAY OF JANUARY 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Etropia- Court Assistant

Mr. Ngiri for the Respondent

Applicant present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

