

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CORAM: A.K NDUNG’U J.

CONSTITUTIONAL PETITION NO. 98 OF 2019

WILLIAM TOTO MOGAKA.....PETITIONER

VERSUS

REPUBLIC through ODPP..... RESPONDENT

RULING

I have noted that the sentence passed was illegal as the maximum sentence for the offence is 5 years. I accordingly set aside the sentence and substitute thereof a sentence of 4 years imprisonment to run from the date of sentence by the trial court.

Dated, Signed and delivered at Kisii this 18th day of February, 2020.

A.K NDUNG’U

JUDGE

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions for the respondent.

Applicant in person.