



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MOMBASA
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 56 OF 2018

1. ALI OMAR ABDULRAHMAN

2. SAID NGOTO MACHILA.....PETITIONERS

VERSUS

DIRECTOR OF PUBLIC PROSECUTION.....RESPONDENT

JUDGMENT

04/11/2019

Mr. Fedha:

My submissions are dated 27.8.19. I rely on them. The Petitioners broke into complainant's home at night armed with panga and axe. They threatened complainant and robbed him 10,000/= cash. Nobody was injured. They have been in custody for 17 years. I submit that that is enough deterrence for them. They can be released.

E. K. OGOLA

JUDGE

1st Petitioner:

I agree with prosecution.

E. K. OGOLA

JUDGE

2nd Petitioner:

I agree with submissions of the prosecution.

E. K. OGOLA

JUDGE

Court:

I have considered the submissions of the prosecution. I accordingly agree with prosecution and I make the following orders:

(1) The 1st Petitioner appears to have more than one case or petition.

(2) This matter will be mentioned on 28/11/19 for further directions.

E. K. OGOLA

JUDGE

Further Orders:

The 2nd Petitioner Said Ngoto Machila is hereby sentenced to seventeen (17) years already served with the result that he is hereby released from prison forthwith.

E. K. OGOLA

JUDGE

04/11/2019