

THE REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 174 OF 2018

RAMADHAN ALL.....PETITIONER

VERSUS

THE DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

JUDGMENT

1. The Petitioner was convicted for the offence of robbery with violence in Criminal Court Case No. 3032 of 2003 Mombasa, and was sentenced to death. He also lost all appeals and is now in this court for resentencing pursuant to the **Supreme Court decision in Francis Karioko Muruatetu and Another [2017] eKLR** in which the court decided that a mandatory death sentence is against the constitution.
2. The Petitioner has been in jail for 19 years. The prosecution prayed that the Petitioner be jailed for 30 years due to the gravity of the offence. On his part the Petitioner prayed that he be jailed for the time he has already served.
3. The purpose of sentencing is rehabilitation, retribution and reformation. He waylaid an advocate, Mr. Magolo and together with others robbed him. However, no injuries were reported. Yet the robbers acted in a gang and rained terror on the complainant. This court must send a clear message to would be robbers that they shall pay for their action once convicted.
4. I am satisfied that a jail term of 25 years would be adequate to serve the objectives of resentencing which I have stated above.
5. The upshot the Petitioner is hereby jailed for 25 years from the date of arrest.

Dated, Signed and Delivered at Mombasa this 5th day of November, 2019.

E. K. O. OGOLA

JUDGE

In the presence of:

Mr. Fedha for DPP

Petitioner in person

Mr. Kaunda Court Assistant