



**THE REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MOMBASA**

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO. 54 OF 2018**

**RAMADHAN ALLI.....PETITIONER**

**VERSUS**

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

**JUDGMENT**

1. The Petitioner was convicted for the offence of robbery with violence in High Court Criminal Case No. 317 of 2002 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 the mandatory nature of the death sentence is unconstitutional.

2. The Petitioner on 22<sup>nd</sup> December, 2001 at about 6.00 a.m. at Shika-Adabu location in Mombasa, with others, while armed with dangerous weapons including knives robbed the complainant Wambua Joseph a bicycle valued at Kshs. 3,000 and cash 2,400/=.

3. In his submission the Petitioner regretted his action and prayed to be jailed for the 19 years he has already served in jail. Mr. Fedha, learned counsel for the Respondent prayed that the Petitioner be jailed for 30 years.

4. Although nobody was injured in the robbery, and while it may be true that the Petitioner has reformed, I nonetheless find that the robbery deserves to be punished adequately.

5. I am satisfied that a jail term of 25 years would be adequate to serve the objectives of resentencing, and the nature of the crime.

6. In the upshot the Petitioner is hereby jailed for 25 years from the date of arrest.

7. Right of appeal in 14 days.

**Dated, Signed and Delivered at Mombasa this 5<sup>th</sup> day of December, 2019.**

**E. K. O. OGOLA**

**JUDGE**

In the presence of:

Mr. Fedha for DPP

Petitioner in person

Mr. Kaunda Court Assistant