



**Yaqoob & 6 others v Republic (Criminal Appeal E022 of 2023)  
[2025] KEHC 7464 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7464 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL APPEAL E022 OF 2023  
WM KAGENDO., J  
MAY 29, 2025**

**BETWEEN**

**YOUSUF YAQOOB ..... 1<sup>ST</sup> APPELLANT  
YAQOOB IBRAHIM ..... 2<sup>ND</sup> APPELLANT  
SALEEM MUHAMMAD ..... 3<sup>RD</sup> APPELLANT  
BHATTI ABDUL GHAFOOR ..... 4<sup>TH</sup> APPELLANT  
BAKSH MOULA ..... 5<sup>TH</sup> APPELLANT  
PRABHAKARA NAIR PRAVEEN ..... 6<sup>TH</sup> APPELLANT  
PAK ABDOLGHAFAR ..... 7<sup>TH</sup> APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Appeal against the conviction and sentence in Mombasa Chief Magistrate's Court in Criminal Case No.1255 of 2014 as consolidated with Criminal case No.1528 & Criminal Case No.1493 of 2014 22nd February 2023. [Hon. Mutuku Chief Magistrate])*

**RULING**

1. The court has considered the oral Application by Ms. P. Ogega on behalf of the Respondent and the brief responses.
2. The Respondents do have a right of appeal and they have highlighted the difficulty they will have in getting the appellants to attend the subsequent Appeal or face their sentence if the decision is revised in the Court of Appeal.
3. I also note that the Appellants have been in custody since 2014; close to 11 years now.



4. The issue of their advanced age and ill health has featured prominently in this appeal.
5. After considering all sides, I decline to allow the application to stay the execution of the acquittal and the judgment.
6. The Respondents, if need be should move with speed to the Court of Appeal.
7. The Judgement is typed and ready and will be readily available in the CTS.
8. The 7 appellants to be repatriated to their respective countries of origin.

**DATED, SIGNED AND DELIVERED AT MOMBASA**

**THIS 29TH DAY OF MAY 2025.**

**WENDY KAGENDO**

**JUDGE**

Delivered in the presence of:

Ms. P. Ogega for the state/respondent

The 1<sup>st</sup> To 6<sup>th</sup> Appellants – in person virtually

Mr. Momanyi holding brief for Mr Omondi Ogutu for the 7<sup>th</sup> Appellant

Bebora court assistant

