



**Kombo v Republic (Miscellaneous Criminal Application
E111 of 2023) [2024] KEHC 565 (KLR) (25 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 565 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E111 OF 2023**

**A. ONG'INJO, J
JANUARY 25, 2024**

BETWEEN

ALI KOMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Ali Kombo was charged and convicted for committing the offence of robbery with violence in Mombasa CMC CR. Case No. 1940 OF 2009. He was sentenced to suffer death but the death sentence was subsequently committed to life imprisonment. He was sentenced on 22nd December 2009.
2. The Applicant preferred appeal against conviction and sentence in Mombasa High Court CR. Appeal No. 284 of 2009 but the lower court file was never traced. He then opted to withdraw the appeal and seek the courts intervention to review his sentence.
3. This court called for sentence review report and from it, it is indicated that the applicant has served 14 years. The applicant is now 38 years old. In consideration of the holding in *Francis Muruatetu* Petition – *Phillip Mueki* Petition in High Court at Machakos and *Julius Kitsao Manyeso* appeal in Malindi this court finds that the life sentence the applicant is serving is unconstitutional and is hereby set aside. The same is substituted with 25 years imprisonment which remainder period should serve under supervision of Probation Officer at Likoni Subcounty.
4. During period of 2 years while under Probation applicant is hereby ordered to attend to atleast one chiefs baraza and sensitize the members of public on consequences of involving oneself in crime. The probation officer to keep data of such attendances and file with court at the end of the period.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,THIS
25TH DAY OF JANUARY 2024**



HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Etropia - Court Assistant

Mr. Ngiri for the Respondent

Applicant - Present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

