



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Mwawasi (Criminal Case 2 of 2020)  
[2023] KEHC 18133 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18133 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL CASE 2 OF 2020  
GMA DULU, J  
MAY 31, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**PASCAL KILEI MWAWASI ..... ACCUSED**

**RULING**

1. In this case wherein the accused person is charged with murder contrary to Section 203 as read with Section 204 of the *Penal Code*, the prosecution has called eight (8) witnesses before closing their case.
2. At the close of the prosecution case counsel for the defence and the Director of Public Prosecutions elected to make no submissions on case to answer.
3. Having considered the evidence of the prosecution witnesses on record, I am of the view that the prosecution has established a *prima facie case against the accused person, and that the accused person herein has a case to answer.*
4. I thus put the accused person on his defence, and proceed to explain to him the three (3) options available to him in his defence under Section 211 of the *Criminal Procedure Code* (Cap.75).

**DATED, SIGNED AND DELIVERED THIS 31<sup>ST</sup> DAY OF MAY 2023 AT VOI IN OPEN COURT.**

**GEORGE DULU**

**JUDGE**

**In the presence of:-**

Mr. Sirima for State

Ms. Wambura for accused



Accused

Mr. Otolo court assistant

