



REPUBLIC OF KENYA



**Republic v Mbogo & 5 others (Criminal Case 1 of 2014)  
[2023] KEHC 23332 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 23332 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 1 OF 2014  
A. ONG'INJO, J  
SEPTEMBER 28, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**SIDI MENZA MBOGO ..... 1<sup>ST</sup> ACCUSED**

**LUGO MENZA MBOGO ..... 2<sup>ND</sup> ACCUSED**

**LILIAN MENZA MBOGO ALIAS TAABU ..... 3<sup>RD</sup> ACCUSED**

**STEWARD MAITHA MASHA ALIAS ASA VOSA ..... 4<sup>TH</sup> ACCUSED**

**SAFARI MBOGO MENZA ..... 5<sup>TH</sup> ACCUSED**

**NIXON AMANI KITSAO ALIAS TEMBELE ..... 6<sup>TH</sup> ACCUSED**

**RULING**

1. The accused persons Sidi Menza Mbogo, Lugo Menza Mbogo, Lilian Menza Mbogo alias Taabu, Steward Maitha Masha alias Asa Vosa, Safari Mbogo Menza, and Nixon Amani Kitsao alias Tembele face a charge of murder contrary to Section 203 as read with Section 204 of the Penal Code.
2. Particulars of the offence are that Sidi Menza Mbogo, Lugo Menza Mbogo, Lilian Menza Mbogo alias Taabu, Steward Maitha Masha alias Asa Vosa, Safari Mbogo Menza, and Nixon Amani Kitsao alias Tembele on the 13<sup>th</sup> and 14<sup>th</sup> day of August 2013 at an unknown place and time within Kilifi County, jointly with others not before court murdered Moses Tuva Menza.
3. The prosecution called 9 witnesses to support its case and from the evidence of the prosecution witnesses, this court finds that a prima facie case has been established sufficient to place accused persons on their defence. They have a case to answer.



**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2023**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for the State

Mr. Omuya Advocate for the 1<sup>st</sup> Accused present online

No appearance for Ms. Okumu Advocate for the 3<sup>rd</sup> Accused

Mr. Mwawasi H/B for Mr. Egunza Advocate for the 4<sup>th</sup> and 6<sup>th</sup> Accused

Mr. Omuya H/B for Mr. Otieno Advocate for the 5<sup>th</sup> Accused

Accused persons present in person

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

Mr. Omuya Advocate: We can take a date for defence.

Order: Defence hearing on 9.11.2023. Mr. Omuya to inform the advocate for accused 3 and 5

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

