



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT VOI**

**CRIMINAL CASE NO. 7 OF 2018**

**REPUBLIC.....PROSECUTOR**

**-VERSUS-**

**MWABILI KIRIGHA.....ACCUSED**

**RULING**

1. The accused person Mwabili Kirigha is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.
2. The particulars are that on the night of 7<sup>th</sup> October 2018 at Chunga Unga village in Mwatate sub-county within Taita Taveta County unlawfully assaulted Christopher Mwatabu Mpate resulting in his death on the 9<sup>th</sup> day of October 2018. The prosecution called 6 witnesses to support its case that the accused person committed the offence herein.
3. Having considered the evidence of the prosecution witnesses, this court is convinced that a prima facie case has been established sufficient to call upon the accused to answer to the charge. He is placed on defence.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS, THIS 27<sup>TH</sup> DAY OF JANUARY, 2022**

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

**JUDGE**

**In the presence of:-**

Ogwel- Court Assistant

Mr. Mulamula holding brief for Mr. Simbi for the State

Mr. Musioma Advocate for the Accused Person

Accused present in person from Manyani Prison

Order: Defence hearing on 12.5.2022. The Deputy Registrar to arrange for proceedings to be typed.

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

**JUDGE**