



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL CASE NO. E013 OF 2020**

**REPUBLIC.....PROSECUTOR**

**V/S**

**EDISON NYALE TINGA.....ACCUSED**

**RULING**

1. The accused Edison Nyale Tinga is charged with the offence of murder contrary to Section 203 as read with Section 204 of the penal code.
2. Particulars of the offence are that Edison Nyale Tinga on the 22<sup>nd</sup> day of September 2020 at Mwarakaya Location in Chonyi Sub-county of Kilifi County jointly with others not before court murdered Hannington Tinga Nzombo.
3. Prosecution availed 7 witnesses who gave account of events that proceeded the murder herein which the accused was directly involved in and the deceased made reports to Chonyi as well as Kijipwa Police Station about the allegations by his sons that he was a witch and threats to his life.
4. The circumstances surrounding the death of the deceased (happenings) and incidences/prior to his death makes this court find that a prima facie case has been made against the accused person sufficient to place him on his defence. He has a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 31<sup>ST</sup> DAY OF MARCH 2022**

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

**JUDGE**

**In the presence of: -**

Ogwel- Court Assistant

Mr. Nguri for State

Mr. Mwaboza Advocate for accused

Accused – present in person

**Hon. Lady Justice A. Ong'injo**

**Judge**

**Mr. Mwaboza Advocate**

The accused will give sworn testimony and we will call the accused persons wife as a witness.

**Order**

Defence hearing – 27/05/2022.

**Hon. Lady Justice A. Ong’ingo**

**Judge**