



**Prosecutor v Musungu (Criminal Case 11 of 2018)
[2022] KEHC 504 (KLR) (28 April 2022) (Ruling)**

Neutral citation: [2022] KEHC 504 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE 11 OF 2018
FA OCHIENG, J
APRIL 28, 2022**

BETWEEN

PROSECUTOR REPUBLIC

AND

SEBASTIAN AMBANI MUSUNGU ACCUSED

RULING

The accused, Sebastian Ambani Musungu, was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).

1. The particulars of the offence indicate that the victim, Brian Danstan Chacha, was murdered by the accused at Mamboleo Market, on 10th May 2018.
2. The prosecution has called 10 witnesses.
3. From the evidence on record, the cause of death was multiple penetrative injuries on the head and chest. The said injuries were described as being consistent with gun-shot injuries, at close range.
4. The prosecution witnesses have placed the accused at the scene of crime, at the material time.
5. The evidence appears, on a prima facie basis, to link the accused to the shooting, which resulted in the death of the victim.
6. In the circumstances, I hold the considered view that unless the accused is able to tender satisfactory explanations and evidence, the court may find him culpable.
7. In effect, I find that the accused has a case to answer.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF APRIL 2022

FRED A OCHIENG



JUDGE

