



**Republic v Isa & another (Criminal Case 7 of 2020)  
[2022] KEHC 14349 (KLR) (Crim) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14349 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL CASE 7 OF 2020  
DO OGEMBO, J  
OCTOBER 26, 2022**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ISMAIL RAJAB ISA ALIAS MSAULO ..... 1<sup>ST</sup> ACCUSED**

**BONIFACE MUTUMA MURIUNGI ALIAS TUMA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. I have considered the rival submissions filed by the defence and the prosecution sides, and the evidence of the 6 prosecution witnesses. I am convinced that the prosecution has established a *prima facie* case against both accused 1 and 2. I accordingly find that both accused 1 and 2 have a case to answer and I put them to their own defences under section 211 of the [Criminal Procedure Code](#).

**D O OGEMBO**

**JUDGE**

**26<sup>TH</sup> OCTOBER, 2022.**

Court:

Ruling read out in court in the presence of accused, Mr Ongoto for the accused 2 and holding brief for Karanja for accused 1, and Ms Kimani for state.

D O OGEMBO

JUDGE

26<sup>TH</sup> OCTOBER, 2022.



Court:

Section 211 of the *Criminal Procedure Code* explained to both the accused.

D O OGEMBO

JUDGE

26<sup>TH</sup> OCTOBER, 2022.

Mr Ongoto:

I have instructions that both accused 1 and 2 shall give sworn defences. Accused 1 shall not call any witnesses. Accused 2 shall also not call any witnesses.

Court:

Section 211 of the *Criminal Procedure Code* complied with. Date of defence to be fixed. Defence hearing December 1, 2022.

