



**Republic v Munga & 2 others (Criminal Case 32 of 2015)
[2022] KEHC 14679 (KLR) (24 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE 32 OF 2015
A. ONG'INJO, J
OCTOBER 24, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

AHMED NJEKA MUNGA 1ST ACCUSED

RUMBA CHIGAMBA 2ND ACCUSED

NGAO TSUMA NGAO 3RD ACCUSED

RULING

1. From the evidence of the 2 prosecution witnesses, PW 2 alleged she was able to identify A3 whom she alleged hit her with a panga and stole Kshs.150,000/= from her. PW 2 said that she identified A1 & A2 by their physique because they came from the same village and she had known them for a longtime.
2. This case has been pending in court for a very longtime & evidence tendered in court was taken before another Judge before I took over the conduct.
3. It is unfortunate that even after the court re-opened the prosecutions case to avail other witnesses they were not able to take that opportunity seriously thus ending up with their case being closed again without tendering further evidence.
4. This court finds that the evidence by PW 1 & PW 2 does not meet the threshold to place accused persons on defence.
5. The prosecution's case is therefore dismissed and accused persons acquitted under Section 210 *Criminal Procedure Code*.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 24TH DAY OF OCTOBER 2022

HON. LADY JUSTICE A. ONG'INJO



JUDGE

In the presence of:

Ogwel- Court Assistant

Mr. Ngiri for State

Mr. Gakuhi Advocate for A1 & A2

Mr. Gakuhi Advocate hold brief for Mr. Mushele Advocate for A3.

HON. LADY JUSTICE A. ONG'INJO

JUDGE

