Republic v Jeffa & 2 others (Criminal Case E014 of 2020) [2022] KEHC 17040 (KLR) (22 December 2022) (Ruling)

Neutral citation: [2022] KEHC 17040 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

CRIMINAL CASE E014 OF 2020

A. ONG'INJO, J

DECEMBER 22, 2022

BETWEEN

REPUBLIC ..... PROSECUTOR

AND

MWENYEHERI MGELE JEFFA ..... 1ST ACCUSED

SHADRACK NYIRO RASI ..... 2ND ACCUSED

BERNARD MASAI MWANGEKA ..... 3RD ACCUSED

RULING

1. The accused persons Mwenyeheri Mgele Jeffa, Shadrack Nyiro Rasi and Bernard Masai Mwangeka face a charge of murder contrary to Section 203 as read with Section 204 of the *Penal Code* Cap 63 of the Laws of Kenya.

2. The particulars are that Mwenyeheri Mgele Jeffa, Shadrack Nyiro Rasi and Bernard Masai Mwangeka on the 19th day of October 2020 at Kiwegu Village in Vanga Location, Lungalunga Sub-County within Kwale County murdered Mwalewa Jeffa. The prosecution called 12 witnesses to support its case that the accused persons committee the offence herein. Counsels for the accused persons filed submissions and the matter was reserved or ruling.

3. From the evidence of the twelve witnesses, this court finds that the prosecution established a *prima facie* case sufficient to call upon the accused persons to defend themselves. They have a case to answer.

Dated, signed and **delivered** in **Open Court/online** through **MS TEAMS**,

this **22nd** day of **December 2022**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for the State

Mr. Were Advocate for 1st Accused

Ms. Atieno Advocate holding brief for Mr. Otwoma for 2nd Accused

MS. Atieno Advocate for 3rd Accused

1st Accused and 2nd Accused Present in person and on bond

3rd Accused present in person and in custody

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Mr. Were Advocate: We can take a date for hearing

Orders: Defence Hearing on 20.2.2023

HON. LADY JUSTICE A. ONG'INJO

JUDGE