



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Republic v Ogunda (Criminal Case 14 of 2020)  
[2022] KEHC 17039 (KLR) (22 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 17039 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 14 OF 2020**

**A. ONG'INJO, J**

**DECEMBER 22, 2022**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ISLAM JOSEPH ODHIAMBO OGUNDA ..... ACCUSED**

**RULING**

1. The accused person Islam Joseph Odhiambo Ogunda faces 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 Islam Joseph Odhiambo Ogunda on the April 29, 2020 at Junda Area in Kisauni sub-county within Mombasa county, jointly with others not before court murdered Sadam Odhiambo Otieno. The prosecution called 6 witnesses to support its case that the accused person committed the offence herein. Counsel for the accused person did not file submissions and the matter was reserved for ruling.
3. From the evidence of the six witnesses, this court finds that the prosecution established a *prima facie* case sufficient to call upon the accused person to defend himself. He has a case to answer.

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

this 22<sup>nd</sup> day of **December 2022**

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

**JUDGE**

**In the presence of: -**

Barile- Court Assistant

Mr. Ngiri for the State



Mr. Ochieng' Advocate for the Accused Person – No Appearance

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

**JUDGE**

**Court:** Mention on 20.2.2023 for fixing a date for defence hearing.

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

**JUDGE**

