



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. E002 OF 2021

REPUBLIC.....PROSECUTOR

VERSUS

JAJI BENZINGO.....ACCUSED

RULING

1. Jaji Benzingo the accused herein faces a charge of murder contrary to section 203 as read with section 204 of the Penal Code.
2. Particulars are that Jaji Benzingo on 11th day of February 2021 at Mwele village, Mwaluphamba Location within Matuga Sub County within Kwale County murdered Ramadhan Hashim.
3. The accused pleaded not guilty to the offence and a pre-bail report was called for by the court.
4. The report by the Probation Officer is that bailing accused out of remand is not recommended on the grounds of likelihood of revenge by the victim's next of kin as they hail from the same village. From the report the accused is also apprehensive that his life may be in danger if he was to be released. In the circumstances accused to remain in custody pending hearing and determinations of his trial unless circumstances change.
5. The prosecution and defence counsel are urged to explore possibilities of plea agreement and/or expeditious hearing and disposal of the matter.

JUDGEMENT DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 25TH DAY OF JUNE, 2021.

HON. LADY JUSTICE ADWERA ONG'INJO

JUDGE

25.6.2021

In the presence of:-

Ogwel – court assistant

Ms. Karanja for Respondent

Mr. Motuka Adv. for accused – N/A

HON. LADY JUSTICE ADWERA ONG'INJO

JUDGE

25.6.2021