



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NUMBER 6 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

DUNCAN MWAMBA MWANGIACCUSED

PLEA and BAIL

24/4/2020

CORAM:

Before Mumbua T Matheka J (At Home)

Court Assistant Edna (Nakuru Law Courts Boardroom)

Ms. Odero for state (Nakuru Law Courts Boardroom)

Ms. Mugweru for accused

ACCUSED (Nakuru GK Maximum Prison)

Interpretation: English/Kiswahili

Court: Pursuant to several directives by the Honourable Chief Justice, the Presiding Judge High Court, the Chief Registrar of the Judiciary and the Administrative Directives of the Presiding Judge, Nakuru High Court all related to operations of the Courts during this period of COVID-19 Pandemic, this PLEA was taken vis ZOOM.

Court: Is the psychiatrist report in the court file?

Edna: Yes, dated 13th February 2020.

Court to Accused: Language are you comfortable with?

Accused: Kiswahili

Court: The charge and the particulars are read to the accused in Kiswahili and he responds:

Accused: Nakataa

Court: Plea of Not guilty entered.

Ms. Mugweru: We request to be supplied with the witness statements and other evidence the prosecution will rely on electronically.

Ms. Odero: I am not sure we will be able to share electronically because the police have challenges. I have Ms. Mugweru's contacts. I will get in touch with her.

Ms. Mugweru: She can do screen shots and send on WhatsApp?

Ms. Odero: That may not be possible but we will supply.

Court: Prosecution to supply the statements *et al.* Mention on 28th May 2020 to confirm compliance and to fix hearing dates,

Mumbua T Matheka

Judge

Ms. Mugweru: We apply for reasonable bond terms.

Ms. Odero: We have no objection

Court: We may need a PBR.

Edna: There is one in the file.

Court: Let the file be brought to me so that I can peruse the pre bail report and make the appropriate orders.

Mumbua T Matheka

Judge

Later

Court: Ruling on Bail

The accused person Duncan Mwamba Mwangi is charged with Murder **Contrary to Section 203 as read with 204 of the Penal Code**. It is alleged that on 12th January 2020 at Muchorwe Trading Centre in Molo Sub County jointly with another not before court he murdered Stephen Wandera.

I have perused the pre bail report filed on 19th March 2020, and the two letters annexed thereto, one from the accused's school Keringet Secondary where he was in form 3, and the letter from the Chief of Kiambiriria Location. The family is well settled in the area and the accused does not have any criminal record.

The report is positive but lacks one important aspect, the views of the victim's family. The importance of this cannot be over emphasised because apart from its social-legal importance, it is a legal requirement. I know we are living in extra ordinary times due to COVID-19, but a phone call could have said something.

Never the less, there is no objection from the prosecution, and I will leave it there.

- 1. The accused person may be released on a bond of Ksh 300,000/= with one surety of the same amount or two sureties each of half the amount.**
- 2. The Surety(ies) be approved by the Deputy Registrar.**
- 3. The accused person, if released to go back to school.**
- 4. This order be served on the parties.**
- 5. Orders accordingly.**

Given this 24th day of April 2020.

Mumbua T Matheka

Judge