



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT GARSEN**

**CRIMINAL CASE NO 12 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**BWANADI OMAR BANADI.....1<sup>ST</sup> ACCUSED**

**ABDI ALI MOHAMED..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. Bwanado Omar Bwanadi (1<sup>st</sup> Accused) and Abdi Ali Mohamed (2<sup>nd</sup> Accused) are charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code, cap 63 Laws of Kenya.

2. The particulars of the offence are that on the 10<sup>th</sup> day of June, 2016 at Mbwajumwali village in Lamu East Sub-County within Lamu County jointly murdered Mohamed Shee Mohamed Omar.

3. The prosecution case proceeded before Ongeri J where she heard 8 witnesses before she was transferred to another station. I took over the trial and heard 2 witnesses after the Accused elected to have the matter proceed from where it had reached. At the close of the prosecution case, both the prosecution and defence filed written submissions.

4. I have carefully considered the evidence on record. I have also considered the submissions of the parties.

5. It is my finding that the prosecution has established a *prima facie* case against the 1<sup>st</sup> and 2<sup>nd</sup> accused. Each accused is invited to elect their mode of defence in accordance with section 306 of the Criminal Procedure Code.

Orders accordingly.

**Ruling delivered, dated and signed at Garsen on this 30<sup>th</sup> day of September, 2019.**

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**R. LAGAT KORIR**

**JUDGE**

**In the presence of:**

**The 1<sup>st</sup> and 2<sup>nd</sup> Accused**

**S.Pacho, Court Assistant**

**Mr. Nyongesa h/b for Mr. Gekanana for 1<sup>st</sup> & 2<sup>nd</sup> Accused**

**Mr. Mwangi for the Respondent**