



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 57 OF 2012

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**DOMINIC SHIKORA.....1<sup>ST</sup> ACCUSED**

**JUSTUS KHAKAYI.....2<sup>ND</sup> ACCUSED**

**EDWIN MWAKA.....3<sup>RD</sup> ACCUSED**

**RULING**

**Dominic Shikora, Justus Khakayi and Edwin Mwaka** are jointly charged with the offence of murder contrary to Section 202 as read with Section 203 of the Penal Code. The particulars of the offence are that on the 30<sup>th</sup> day of June 2012 at Kangemi bottom-line in Dagoretti Division within Nairobi County jointly murdered **Patrobas Hillary Amwoka**.

The prosecution called 7 witnesses. The prosecution case is that the 3 accused persons assaulted the deceased with assorted crude weapons. The deceased was rushed to Kenyatta National Hospital where he succumbed to the injuries after undergoing treatment for two weeks. Moses Likhaya (PW1) and Edwin Shipanzi Lutenyo (PW2) testified that they were at the scene and saw the deceased being assaulted. Kevin Shivega (PW3) testified that the deceased was his elder brother. He was alerted of the assault and he rushed to the scene where he found him bleeding. He rushed him to hospital. Joseph Michael Likhaya (PW4) was the deceased's father. He identified the body at the city mortuary for post-mortem. Dr. Andrew Kanyi Gachie (PW5) conducted post mortem on the body of the deceased and formed an opinion that the cause of death was head injury due to blunt force trauma. Other witnesses were No.65982 Sgt. Samuel Muturi (PW6) who was the arresting officer and No.234375 Inspector Ezekiel Oudo who was the investigating officer in the case.

I have given careful consideration to the prosecution evidence summarized above. I find that a *prima facie* case has been established against all 3 accused persons. Each is required to make his defence in accordance with Section 306 of the Criminal Procedure Code.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 23<sup>rd</sup> day of November, 2016

**R. LAGAT - KORIR**

**JUDGE**

In the presence of:

.....: Court clerk

.....: 1<sup>st</sup> accused

.....: 2<sup>nd</sup> accused

.....: 3<sup>rd</sup> accused

.....: For 1<sup>st</sup> accused

.....: For 2<sup>nd</sup> accused

.....: For 2<sup>nd</sup> accused

.....: For the State