

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE NO. 24 OF 2011

REPUBLIC :::::::::::::::::::: PROSECUTOR.

VERSUS

BONIFACE NASHALI :::::::::::::::::::: ACCUSED.

RULING

1. **BONIFACE NASHALI CHOMO**, the Accused person herein, was charged jointly with **JAFRED ISANYA MUKEYA** and **SUSAN KHAYESI ASHEVIRA** with the murder of one **CHARLES KHANGATSI MUTEKA**.
2. On denying the charge, the case was fixed for hearing but prior to the hearing two important events occurred. First, **JAFREED ISANYA MUKEYA** died while in remand. The case against him having abated was terminated. Second, the State entered a Nolle Prosequi against **SUSAN KHAYESI ASHEVIRA** thereby leaving **BONIFACE NASHALI** as the only Accused person in this case.
3. A total of four witnesses testified and although there were no eye witnesses, evidence was tendered to the effect that the Accused person was among the people last seen with the deceased.
4. In consideration of the said evidence, this Court is satisfied that a prima-facie case was proved against the Accused person herein to warrant him be placed on his defence.
5. Section 306 Criminal Procedure Code to be complied with.

DELIVERED, DATED and SIGNED at Kakamega this 23rd day of July, 2015

A. C. MRIMA

JUDGE