



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL CASE (MURDER) NO. 21 OF 2010**

**REPUBLIC.....PROSECUTION**

**VERSUS**

- 1. MOHAMMED DADI KOKANE ALIAS GABO**
- 2. ALFRED NJURUKA MAKOKO**
- 3. SAMWEL MWACHALA MWAGHANIA**
- 4. JAMES CHACHA MWITA**
- 5. DANIEL MDACHI MNENE SULEIMAN**
- 6. OSMAN ABDI HUSSEIN**
- 7. CRISPUS MKUNGUZI MNGOLIA**
- 8. REGEA OMAR SALIM.....ACCUSED**

**RULING**

The eight (8) accused persons namely **MOHAMED DADI KOKANE** alias GABO (the 1<sup>st</sup> accused), **ALFRED NJURUKA MAKOKO** (the 2<sup>nd</sup> accused), **SAMUEL MWACHALA MWAGHANIA** (the 3<sup>rd</sup> accused), **JAMES CHACHA MWITA** (the 4<sup>th</sup> accused), **DANIEL MDACHI MUNENE** alias **SULEIMAN** (the 5<sup>th</sup> accused), **OSMAN ABDI HUSSEIN** (the 6<sup>th</sup> accused), **CHRISPUS MUKUNGUZI MNGOLIA** (the 7<sup>th</sup> accused) and **REGEA OMAR SALIM** (the 8<sup>th</sup> accused) have all jointly been charged with the offence of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The prosecution led by Assistant Deputy Public Prosecutor **MR. ONDARI** called a total of twenty six (26) witnesses in support of their case.

I have carefully considered the evidence adduced by the prosecution witnesses. I am satisfied that a *prima facie* case has been established against the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> accused persons. They will all give their defences to the charge in line with section 306 (2) of the Criminal Procedure Code.

With respect to the 8<sup>th</sup> accused person I find that no *prima facie* case has been established against her. Reasons will be detailed in the final judgment. I enter a verdict of '*Not Guilty*' against the 8<sup>th</sup> accused

and I hereby acquit her under section 306 (1) of the Criminal Procedure Code and is to be set at liberty forthwith unless she is otherwise lawfully held.

**Dated and delivered in Mombasa this 21<sup>st</sup> day of February, 2014.**

**M. ODERO**

**JUDGE**

In the presence of:

Mr. Gikandi for 6<sup>th</sup> Accused

Mr. Kithi for Accused 1, 2, 3, 4, 5, 7 and 8 h/b Mr. Mwawasi for Accused 4

Mr. Murgor w/brief for Family

Mr. Ondari for State

Court Clerk Mutisya

The accuseds to remain on bond but will continue to report to OCS Taveta on a fortnightly basis.

**M. ODERO**

**JUDGE**

**21<sup>ST</sup> FEBRUARY, 2014**