



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE NO. 24 OF 2009**

**REPUBLIC ..... PROSECUTION**

**VERSUS**

**NEWTON NJOROGE ..... 1<sup>ST</sup> ACCUSED**

**PHILLIPH WAMBUA KIOKO ..... 2<sup>ND</sup> ACCUSED**

**RULING**

The two accused persons face a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The prosecution called a total of fifteen witnesses in support of their case. I have carefully considered the evidence adduced by these witnesses. In my opinion a prima facie case has been established as against both accused persons. As such I do hereby rule that they shall give their defence to the charge in accordance with Section 306(2) of the Criminal Procedure Code.

It is so ordered.

**Dated and delivered in Mombasa this 16<sup>th</sup> day of March 2012.**

**M. ODERO**

**JUDGE**

In the presence of:

Mr. Magolo for both accused

Mr. Gioche for State