

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 42 OF 2009

REPUBLIC PROSECUTION

=VERSUS=

DANIEL MUSYOKA MUASYA 1ST
ACCUSED

PAUL MUTUA MUASYA 2ND ACCUSED

WALTER OTIENO OJWANG 3RD
ACCUSED

RULING

The three accused persons namely **DANIEL MUSYOKA MUASYA** (hereinafter referred to as the 1st accused), **PAUL MUTUA MUASYA** (hereinafter referred to as the 2nd accused) and **WALTER OTIENO OJWANG** (hereinafter referred to as the 3rd accused) have all jointly been charged on two counts of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The prosecution called a total of fifteen (15) witnesses in support of their case. Having considered the evidence of the 15 witnesses I am satisfied that a prima facie case has been made out. I therefore direct that all the three (3) accused persons shall give their defence to this charge.

Dated and Delivered in Mombasa this 23rd day of April 2012.

M. ODERO
JUDGE

In the presence of:

Mr. Tanui for State

Mr. Adhoch for Accused 3 holding brief for Mr. Magolo for Accused 1 and Accused 2