



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MOMBASA**

**Criminal Case 9 of 2009**

**REPUBLIC.....PROSECUTIO**

**N**

**=VERSUS=**

**DAVID MOMANYI MATHEWS.....1<sup>ST</sup>**  
**ACCUSED**

**PETER BADA KARISA.....2<sup>ND</sup> ACCUSED**

**RULING**

The two accused persons namely **DAVID MOMANYI MATHEW** (hereinafter referred to as the 1<sup>st</sup> accused) and **PETER BADA KARISA** (hereinafter referred to as the 2<sup>nd</sup> accused) jointly face a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. Both accuseds entered a plea of '**Not guilty**' to the charge and their trial commenced before the High Court in Mombasa on 26<sup>th</sup> June 2010. The prosecution called a total of seventeen (17) witnesses in support of their case. I have carefully analyzed the evidence adduced by the prosecution witnesses. I am satisfied that a prima facie case has been established as against both accused persons. I do hereby direct that they shall give their defence to the charge of Murder.

**Dated and Delivered in Mombasa this 25<sup>th</sup> day of July 2012.**

**M. ODERO**  
**JUDGE**

In the presence of:

Mrs. Maithya for Accused 2

Ms. Odhiang holding brief for Mr. Mushelle