

REPUBLIC OF KENYA
IN THE HIGH COURT OF JENYA
AT MOMBASA
CRIMINAL CASE NO. 22 OF 2007

REPUBLIC PROSECUTOR

-VERSUS-

REUBEN MATIRO MBILISHE 1ST
ACCUSED

CHRISTINE MKAMBURI KALUTU 2ND
ACCUSED

RULING

The two accused persons namely **REUBEN MATIRO MBILISHE** (hereinafter referred to as the 1st accused) and **CHRISTINE MKAMBURI KALUTU** (hereinafter referred to as the 2nd accused) were arraigned before the High Court in Mombasa where they were jointly charged with the offence of **MURDER CONTRARY TO SECTION 203** as read with **S. 204 OF THE PENAL CODE**. The State led by **MR. ONSERIO**, learned State Counsel called a total of ten (10) witnesses in support of their case. **MR. MWAKIRETI** learned counsel appeared for both accused persons. I have carefully considered the evidence of the ten prosecution witnesses. With respect to the 1st accused I am satisfied that a prima facie case has been shown against him. As such I do rule that the 1st accused shall be called upon to give his defence in compliance with S. 306(2) of the Criminal Procedure Code.

As concerns the 2nd accused I find that no prima facie case has been made out against her (reasons for this finding will be included in my final judgement). I therefore enter a finding of '**not guilty**' with respect to the 2nd accused under S. 306(1) of the Penal Code. I direct that she be set at liberty forthwith unless she is otherwise lawfully held.

Dated and Delivered in Mombasa this 11th day of February 2011.

M. A. ODERO

JUDGE

