

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 21 OF 2008

REPUBLIC PROSECUTION

=VERSUS=

NGENYO NYANGALA 1ST ACCUSED
BORU NYANGALA 2ND ACCUSED

RULING

The two accused persons namely **NGENYO NYANGALA** and **BORU NYANGALA** are jointly charged with the offence of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 of the CRIMINAL PROCEDURE CODE**. The prosecution led by the learned State Counsel called a total of nine (9) witnesses in support of their case. I have considered the evidence adduced by these nine (9) witnesses. In my view a prima facie has been established against the two accused. I therefore direct that both accused shall give their defence to this charge in accordance with S. 306(2) of the Criminal Procedure Code.

Dated and Delivered in Mombasa this 24th day of June 2011.

M ODERO
JUDGE

In the presence of:
Mr. Mushelle holding brief for Ms. Kipsang
Mr. Onserio for State