



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL CASE NO. 24 OF 2007**

**REPUBLIC.....PROSECUTION**

**=VERSUS=**

**DONALD AMWAYI SHIRAKU alias  
KANDAMAJI.....ACCUSED**

**RULING**

The accused **DONALD AMWAYI SHIRAKU alias KANDAMAJI** has been charged with the offence of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 of the PENAL CODE**. The prosecution called a total of ten (10) witnesses in support of their case. I have considered the evidence adduced by these ten (10) witnesses and I am satisfied that a prima facie case has been made against the accused. I therefore rule that the accused shall give his defence in accordance with S. 306(2) of the Criminal Procedure Code.

**Dated and Delivered at Mombasa this 16<sup>th</sup> day of June 2011.**

**M. ODERO**

**JUDGE**

In the presence of:  
Ms. Odhiang holding brief for Mr. Mushelle  
Mr. Onserio for Accused

