



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MILIMANI LAW COURTS
Criminal Case 97 of 2008

REPUBLIC..... PROSECUTOR

VERSUS

MOHAMED ALI SOYAN.....ACCUSED

R U L I N G

On the night of 21st September 2008, **MOHAMED AMARA** was attacked at Mororo Village, Tana River District, Coast Province. He was attacked with a knife, which was used to stab him in his stomach.

As a consequence of the stab wound, his intestines threatened to fall out. However, he was helped to hold them in place, and he was then rushed to hospital.

Immediately after he had been stabbed, the said **MOHAMED AMARA** screamed, saying that he had been stabbed with a knife, by **MOHAMED KICHWA**. **PW 3** heard the victim utter those words.

Thereafter, the victim also told **PW 2, PW 3, PW 4, PW 5** and **PW 6** that he had been stabbed by the accused, Mohamed Kichwa.

The prosecution has also led evidence to show that the accused confirmed that he did stab the victim with a knife.

When the victim was admitted in hospital, the stab wound was sutured surgically. The victim was also taken to the operating theatre, not less than 3 times, where he underwent laparotomy.

Regrettably, notwithstanding the medical interventions, the victim passed away on 2nd October 2008.

The doctor who conducted the post-mortem examination established that the cause of death was severe peritonitis following an abdominal stab wound.

As the said abdominal stab wound appears to have been linked directly to the accused, and as it is the cause of the victim's death, I find and hold that the prosecution has established a prima facie case against the accused, to warrant his being put to his defence.

In the event, I find that the accused has a case to answer.

Dated, Signed and Delivered at Nairobi, this 30th day of September, 2010

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FRED A. OCHIENG

JUDGE

