



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 4 OF 2007

REPUBLIC PROSECUTOR
VERSUS
CHARLES NDORO CHAKA RESPONDENT

RULING

The Accused person **CHARLES NDORO CHAKA** faces a charge of Murder contrary to S. 203 as read with S. 204 of the Penal Code of Kenya. The particulars of the offence were that

“On the night of 16th/17th December 2006 at about 1.00 A.M. at Torori Village Musulwa Location of Kwale District within Coast Province murdered MORRIS NDORO CHAKA”

The accused entered a plea of ‘**not guilty**’ to the charge and his trial commenced before the High Court sitting in Mombasa on 28th November 2007. The prosecution led by **MR. ONSERIO**, learned State Counsel called a total of eight (8) witnesses in support of their case. **MR. MUSHELLE**, Advocate appeared for the Accused. I have given careful consideration to the evidence adduced by the 8 prosecution witnesses. I am satisfied that a prima facie case has been established by the prosecution. As such I do hereby direct that the accused be called upon to give his defence in compliance with S. 306(2) of the Criminal Procedure Code.

Read out in open court on the 1st day of December 2010.

Mr. Mwakireti holding brief for Mr. Mushelle.

M. ODERO
JUDGE
1/12/2010