



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**Criminal Case 47 of 2004**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**PAUL LOSURU EKALE .....ACCUSED**

**RULING**

The accused herein, Paul Losuru Ekale, is before this court on the information of the Attorney General duly charged with the offence of murder contrary to the provisions of Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on the night of 1<sup>st</sup> January 2004 at about 11.30 p.m. at Likoni Ferry area in Mombasa District within the Coast Province he murdered Lawrence Wesonga Owang.

At the close of the prosecution's case, a total of ten (10) witnesses testified. The learned counsels on both sides did not submit as required under Section 306 of the Criminal Procedure Code. I have considered the evidence tendered by the prosecution in support of the offence of murder. I am satisfied that there is credible evidence that the accused person committed the offence.

Consequently, Paul Losuru Ekale is hereby placed on his defence. It is now upon him and his legal advisors to inform this court whether or not he would personally testify and if he would state whether he would give sworn or unsworn testimony. The accused should also state whether or not he would summon independent witnesses to testify in his defence.

**Dated and delivered at Mombasa this 6<sup>th</sup> day of March 2007.**

J.K. SERGON

**J U D G E**

In open court in the presence of Miss Mwaniki h/b for Mr. Monda for the state and Mr. Magolo for the accused.