



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Musanyi & another (Criminal Case E002 of 2023)  
[2025] KEHC 10481 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10481 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VIHIGA  
CRIMINAL CASE E002 OF 2023**

**JN KAMAU, J  
JULY 17, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**HAWARD KEVOLWE MUSANYI ..... 1<sup>ST</sup> ACCUSED**

**MERCY MUSBEGA MADIGA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The 1<sup>st</sup> and 2<sup>nd</sup> Accused persons herein were jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code* Cap 63 (Laws of Kenya). The matter was partly heard by Musyoka J. The 1<sup>st</sup> Accused person pleaded guilty of the offence and the said learned Judge convicted him on his own plea of guilty.
2. This court became seized of the matter on 7<sup>th</sup> March 2023 and sentenced the 1<sup>st</sup> Accused person to life imprisonment. The 2<sup>nd</sup> Accused person and the Prosecution asked this court to proceed from where the matter had reached.
3. On 8<sup>th</sup> July 2025, the Prosecution closed its case after calling a total of six (6) Prosecution witnesses.
4. Both the Prosecution and the 2<sup>nd</sup> Accused person did not file Written Submissions on the question of whether or not the 2<sup>nd</sup> Accused person had a case to answer or not. They relied on the evidence that had been adduced by Prosecution witnesses.
5. Having carefully considered the evidence by the Prosecution witnesses, the court was of the opinion that a prima facie case had been established against the 2<sup>nd</sup> Accused person herein to warrant her being put on her defence. She is hereby put on her defence.
6. It is so ordered.



**DATED AND DELIVERED AT VIHIGA THIS 17<sup>TH</sup> DAY OF JULY 2025**

**J. KAMAU**

**JUDGE**

