



**Republic v Mwangi & another (Criminal Case 37 of 2018)  
[2025] KEHC 12591 (KLR) (Crim) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12591 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL CASE 37 OF 2018  
K KIMONDO, J  
SEPTEMBER 16, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**AMOS MUIGAI MWANGI ..... 1<sup>ST</sup> ACCUSED**

**ALEX MUSEMBI MUSYOKA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The two accused persons are charged with murder contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that on the 13<sup>th</sup> June 2018 at Queens of Apostle Church along Thika Nairobi Highway within Kasarani in Nairobi County they jointly murdered Doreen Kinya.
3. They pleaded not guilty. The prosecution called ten witnesses.
4. I am now called upon to determine whether that corpus of evidence is sufficient to place the accused on their defence. It bears repeating that the accused are still deemed innocent at this stage. Furthermore, the inquiry at this juncture is merely to establish if a prima facie case has been made out requiring a rebuttal from the accused.
5. The prosecution's case is that the two accused persons were the driver and conductor respectively of a matatu registration number KCC 021A operated by Zamzam 45 Ltd along the Githurai route. It is alleged that on the material day, they threw out the deceased from the moving vehicle leading to her death.



6. Lawrence Karuri (PW7) was riding a bodaboda behind the matatu. At Roysambu near Safari Park Hotel, he saw a person fall from the bus. He testified as follows-

There was a bus in front of me. A person had fallen from that bus. That person was rolling on the road. When I went near that rolling body, I saw it was a girl. She was lying face upwards. She had an injury on the forehead. Her eyes were protruding as she lay upwards. Her shoes and bag were next to her. The bus was ahead of her. I followed the bus. It stopped at Garden City Mall.

7. When PW7 enquired about the matter, four of the passengers and the bus conductor told him the deceased had jumped out of the vehicle. In cross examination, the witness could not confirm if there was a bus stage between the Safari Park Hotel and the Garden City Mall but said that the body lay next to some guard rails.
8. According to the operator's supervisor, George Njoroge (PW3), the motor vehicle was assigned to the two accused persons as the driver and tout respectively.
9. From the oral evidence and bundle of photographs of the bus (exhibit 1) taken by Paul Njihia (PW1), there was a lock on the door. He could not however say if the door was locked or not at the time of the incident.
10. The deceased's body was identified for postmortem purposes by her father, John Mwiti Ithima (PW5). According to the post mortem form made by Dr Maingi and produced into the evidence by consent on 25<sup>th</sup> May 2022, the deceased died from "severe head injury due to blunt trauma consistent with a fall from a height".
11. Upon the digest of the evidence of all the ten witnesses; and, cognizant of the precedents in *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949), I find that the Republic has established a prima facie case calling for a rebuttal from both accused persons.
12. Accordingly, under the provisions of section 306 (2) of the Criminal Procedure Code, I hereby place them on their defence.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**KANYI KIMONDO**

**JUDGE**

Ruling read virtually on Microsoft Teams in the presence of: -

Ms. Kigira for the Republic instructed by the office of the Director of Public prosecutions.

Mr. Onganya for the accused.

Mr. E. Ombuna, Court Assistant.

