



**Republic v Athman (Criminal Case E011 of 2022)  
[2024] KEHC 227 (KLR) (18 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 227 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE E011 OF 2022  
A. ONG'INJO, J  
JANUARY 18, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**YUNUS ATHMAN ..... ACCUSED**

**RULING**

1. Yunus Athman was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 63 Laws of Kenya.
2. The particulars are that on 10<sup>th</sup> day of September 2018 at Mwenza Village in Mtongwe Location, Likoni Sub-County within Mombasa County murdered Mbarak Maitha Omar.
3. The prosecution called 20 witnesses to support its case. Counsel for the accused person filed submissions on no case to answer. From the evidence of the 20 prosecution witnesses, this court finds that a prima facie case has been established to place the accused person on his defence. He has a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 18<sup>TH</sup> DAY OF JANUARY 2024**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

In the presence of: -

Mr. Ngiri for the State

Mr. Wangila & Ms. Seif Advocate for the Accused

Mr. Kipkuto Advocate H/B for Mr. Tenge Advocate W/B for IPOA



**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

Court: Provisions of Section 211 of the CPC explained to the accused in English language and he responds: -

Accused: I will give sworn statement.

Order: Defence hearing on 26.2.2024

Mr. Wangila: There is a phone make Samsung E52 that was taken from the accused. It was not mentioned or produced. It has an Equitel line that the accused was using for banking. I would appreciate if it is released back.

Mr. Kipkuto Advocate: I will convey the message to the investigating officer to produce the phone.

Order: Investigating Officer to produce the phone in court on 26.2.2024 if it will not have been handed over to the accused by then.

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

