



**Republic v Mwangi & 3 others (Criminal Case 30 of 2016)  
[2024] KEHC 234 (KLR) (18 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 234 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 30 OF 2016  
A. ONG'INJO, J  
JANUARY 18, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**EDISON BUKA MWAGAWE ..... 1<sup>ST</sup> ACCUSED**

**ELIAS MRIRA KUBO ..... 2<sup>ND</sup> ACCUSED**

**JAMES BUKA BEJA ALIAS MODI MASHA ..... 3<sup>RD</sup> ACCUSED**

**JULIUS CHENGU MAKEMBA ..... 4<sup>TH</sup> ACCUSED**

**RULING**

1. The accused persons Edison Buka Mwangi, Elias Mrira Kubo, James Buka Beja alias Modi Masha, and Julius Chengu Makemba face a charge of murder contrary to Section 203 as read together with Section 204 of the *Penal Code* Cap 63 Laws of Kenya.
2. Particulars of the offence are that Edison Buka Mwangi, Elias Mrira Kubo, James Buka Beja alias Modi Masha, and Julius Chengu Makemba on the 29<sup>th</sup> day of June 2016 at Mbuyuni area of Maereni Location Rabai Sub-County within Kilifi County jointly murdered Lennox Kai Lwembe.
3. The prosecution called 10 witnesses to support its case. Counsel for the accused persons did not file submissions on no case to answer. From the evidence of the 10 prosecution witnesses, this court finds that a *prima facie* case has been established to place the accused persons on their defence. They have 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: -

Etropia- Court Assistant

Mr. Ngiri for the State

Mr. Wechenje Advocate H/B for Mr. Otieno Advocate for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Accused Persons

Mr. Wechenje Advocate H/B for Mr. Ajigo Advocate for the 4<sup>th</sup> Accused Person

1<sup>st</sup> Accused present in person

2<sup>nd</sup> Accused present in person

3<sup>rd</sup> Accused present in person

4<sup>th</sup> Accused present in person

**ORDER:** Defence hearing on 22.2.2024. Notice to Mr. Otieno and Mr. Ajigo Advocates.

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

**JUDGE**

**18.1.2024**

