



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Mwamodenyi & another (Criminal Case E023 of 2022)
[2024] KEHC 228 (KLR) (18 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 228 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E023 OF 2022
A. ONG'INJO, J
JANUARY 18, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

RODGERS DAVID MWAMODENYI 1ST ACCUSED

KEDOGO EVANS KALO 2ND ACCUSED

RULING

1. Rodgers David Mwamodenyi and Kedogo Evans Kalo are jointly charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars are that on the night of 16th and August 17, 2022 at Kwa Punda area, in Jomvu Sub-County within Mombasa County jointly with others not before court murdered Rose Akinyi Osumba.
3. The prosecution called 12 witnesses to support its case. Only counsel for the 1st accused person filed submissions on no case to answer. From the evidence of the 12 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 18TH DAY OF JANUARY 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Etropia- Court Assistant



Mr. Ngiri for the State

Ms. Kuria Advocate for the 1st Accused

Ms Kuria H/B for Ms. Julu Advocate for the 2nd Accused

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Section 211 of the CPC explained and complied with and accused persons respond: -

Ms. Kuria Advocate: We can take a date for defence hearing. I will consult with my client to know how he wishes to defend himself.

Order:

Defence hearing on 26.2.2024

HON. LADY JUSTICE A. ONG'INJO

JUDGE

