



REPUBLIC OF KENYA



**Republic v Malunju (Criminal Case 4 of 2019)
[2024] KEHC 1648 (KLR) (21 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1648 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE 4 OF 2019
DKN MAGARE, J
FEBRUARY 21, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

AMBROSE MZERA MALUNJU ACCUSED

RULING

1. Ambrose Mzera Malunju was charged that on 27/1/2019 at Golini Location Matuga Sub county within Kwale County murdered Renson Mwasingo Mwangemi.
2. On 23/10/2023 parties took direction before Honourable Lady Justice Ongi'ijo under Section 200 of the [Criminal Procedure Code](#) to proceed from where the matter had reached.
3. Earlier, 6 witnesses had testified for the Prosecution. On 28th November, 2023 during the further hearing of the Prosecution's case, I heard and recorded the evidence of PW7, PW8 and Pw9. Thereafter, a total of 9 witnesses testified for the Prosecution.
4. I have perused the Court file, and exhibits, where the 9 witnesses testified. I am satisfied that the prosecution has established a prima facie evidence to enable the Court to call the Accused to defend himself. I consider the evidence on record sufficient to call upon the Accused to defend himself. I therefore find that the Accused have a case to answer. I put the Accused person on his defence in accordance with Section 306 of the [Criminal Procedure Code](#).

**DELIVERED, DATED AND SIGNED AT MOMBASA ON THIS 21ST DAY OF FEBRUARY, 2024.
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE

In the presence of:



Miss Nyawinda for the State

Mr. Wameyo for Accused

Court Assistant - Brian

