



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Ikuta & another (Criminal Case E022 of 2021)
[2024] KEHC 1548 (KLR) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1548 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E022 OF 2021
A. ONG'INJO, J
FEBRUARY 15, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

NYANJE MUDOWE MATSUI IKUTA 1ST ACCUSED

MKALLA MUDOWE MATSUI 2ND ACCUSED

RULING

1. The accused persons Nyanje Mudowe Matsui Ikuta And Mkalla Mudowe Matsui face a charge of murder contrary to section 203 as read with section 204 of the [Penal Code](#) Cap 63 of the Laws of Kenya.
2. The particulars are that Nyanje Mudowe Matsui Ikuta And Mkalla Mudowe Matsui on the 1st day of February 2017 at Mwembeni Village of Taru Location, Kinango Sub-County of Kwale County jointly with others not before court murdered Dena Dzaya.
3. The prosecution called 7 witnesses to support its case that the accused person committed the offence herein. Counsel for the accused persons filed submissions on no case to answer and the matter was reserved for ruling.
4. From the evidence of the 7 prosecution witnesses, this court finds that the prosecution established a prima facie case sufficient to call upon the accused persons to defend themselves. They have a case to answer.

DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,

THIS 15TH DAY OF FEBRUARY 2024

HON. LADY JUSTICE A. ONG'INJO

JUDGE



In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for the State

Mr. Omar Advocate H/B for Mr. Mwanawasa Advocate for Accused Persons

1st Accused present in person

2nd Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Provisions of Section 306 (2) of the Criminal Procedure Code complied with

Mr. Omar Advocate: We can take a defence hearing date

Orders: Defence hearing on 20.3.2024

HON. LADY JUSTICE A. ONG'INJO

JUDGE

PARA 15.

2.2024

CR. Case No. E022.2021 Page 3 of 3 A. Ong'injo, J

