



**Republic v Mwabagizo & another (Criminal Case 18 of 2020)
[2024] KEHC 1562 (KLR) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1562 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE 18 OF 2020
A. ONG'INJO, J
FEBRUARY 15, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

HAMISI MWALIMU MWABAGIZO 1ST ACCUSED

MASUDI HELEFU CHINZELE 2ND ACCUSED

RULING

1. The accused persons Hamisi Mwalimu Mwabagizo and Masudi Helefu Chinzele 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 Hamisi Mwalimu Mwabagizo and Masudi Helefu Chinzele on the 14th day of July 2018 at Kinondoni Shopping Center in Msambweni Sub-County within Kwale County jointly with others not before court murdered No 93421 PC Sylvester Mawia Mutunga.
3. The prosecution called 13 witnesses to support its case that the accused person committed the offence herein and the matter was reserved for ruling.
4. From the evidence of the 13 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. Hamisi Salim H/B for Mr. Aboubakar Advocate for Accused Persons

1st Accused present in person

2nd Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Order: Defence hearing on 20.3.2024

HON. LADY JUSTICE A. ONG'INJO

JUDGE

15.2.2024

