



REPUBLIC OF KENYA



**Republic v Swaleh (Criminal Case E007 of 2023)
[2024] KEHC 1110 (KLR) (8 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1110 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E007 OF 2023**

A. ONG'INJO, J

FEBRUARY 8, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

ABDULAZIZ ALI SWALEH ACCUSED

RULING

1. The accused Abdulaziz Ali Swaleh faces 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 Abdulaziz Ali Swaleh on the 21st day of January 2023 at Bondeni Estate in Mvita Sub-County unlawfully killed Sharifa Ali Salim.
3. The prosecution called 15 witnesses to support its case. Counsel for the accused person filed submissions on no case to answer. In consideration of the evidence of the 15 prosecution witnesses and submissions by defence, this court finds that a prima facie case has been established to place the accused on his defence. He has a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 8TH DAY OF FEBRUARY 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for the State

Mr. Nabil Advocate for the Accused



Accused present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Mr. Nabil Advocate: The accused person will give sworn statement and we have 3 witnesses.

Order: Defence hearing on 1.3.2024.

HON. LADY JUSTICE A. ONG'INJO

JUDGE

8.2.2024

