



REPUBLIC OF KENYA



**Republic v Kombe (Criminal Case E005 of 2023)
[2024] KEHC 2543 (KLR) (7 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2543 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E005 OF 2023**

**A. ONG'INJO, J
MARCH 7, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

BARAKA KOMBE ACCUSED

RULING

1. The accused Baraka Kombe faces 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 Baraka Kombe on the 25th day of November 2022 at Kijipwa Area in Kilifi Sub-County within Kilifi County murdered Tabu Mwembe.
3. The prosecution called 8 witnesses to support its case that the accused person committed the offence herein. Counsel for the accused person filed submissions on no case to answer and the matter was reserved for ruling.
4. From the evidence of the 8 prosecution witnesses, this court finds that the prosecution established a *prima facie case* sufficient to call upon the accused person to defend himself. He has a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 7TH DAY OF MARCH 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for the State



Mr. Mwawasi Advocate for the Accused Person

Accused present in person

Mr. Mwawasi Advocate: We can take a date for defence hearing. We shall confirm whether the accused will give sworn or unsworn evidence.

Order: Defence hearing on 24.5.2024.

