



REPUBLIC OF KENYA



**Republic v Mamanja & 2 others (Criminal Case 40 of 2018)  
[2023] KEHC 608 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 608 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 40 OF 2018  
A. ONG'INJO, J  
FEBRUARY 9, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**KALONGO TSIMBA MAMANJA ..... 1<sup>ST</sup> ACCUSED**

**NGALA LWAYO NGOLO ..... 2<sup>ND</sup> ACCUSED**

**KAZUNGU MWARUWA GARERO ..... 3<sup>RD</sup> ACCUSED**

**RULING**

1. The accused persons Kalongo Tsimba Mamanja, Ngala Lwayo Ngolo and Kazungu Mwaruwa Garero 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 Kalongo Tsimba Mamanja, Ngala Lwayo Ngolo and Kazungu Mwaruwa Garero on the July 13, 2018 at 1100hrs at Shika Adabu in Rabai Location of Rabai Sub-County within Kilifi County jointly murdered Chisubi Dzaya Nyenjere.
3. The prosecution called 5 witnesses to support its case that the accused committed the offence herein. Counsels for the accused persons did not file submissions and the matter was reserved for ruling.
4. From the evidence of the five 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 9<sup>TH</sup> DAY OF FEBRUARY 2023**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**



**In the presence of: -**

**Ogwel- Court Assistant**

**Mr. Ngiri for the State**

**Mr. Chamwada Advocate for the 1<sup>st</sup> Accused - Present**

**Mr. Egunza Advocate holding brief for Mr. Ochieng' Advocate for the 2<sup>nd</sup> Accused**

**Mr. Chamwada Advocate holding brief for Mr. Ajigo Advocate for the 3<sup>rd</sup> Accused**

**No appearance for 1<sup>st</sup> Accused**

**No appearance for 2<sup>nd</sup> Accused**

**3<sup>rd</sup> Accused present in person**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

**Mr. Chamwada Advocate**

**We pray for a date for defence. I will consult my clients to confirm how they will defend themselves.**

**Mr. Egunza Advocate**

**Mr. Ochieng's client will elect on hearing date how they want to testify.**

**Order: Defence hearing on 6<sup>th</sup> March 2023.**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

**9<sup>th</sup> February 2023**

