



REPUBLIC OF KENYA



**Republic v Ochieng (Criminal Case 26 of 2018)  
[2023] KEHC 2938 (KLR) (23 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2938 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 26 OF 2018**

**A. ONG'INJO, J  
MARCH 23, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**DAVID ONYANGO OCHIENG ..... ACCUSED**

**RULING**

1. The accused David Onyango Ochieng is charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars are that David Onyango Ochieng on the May 21, 2018 at Shimo – la – Tewa in Kisauni sub-county within Mombasa murdered RuthCaster Katheu Mutuku.
3. The prosecution has tendered the evidence of 8 witnesses. The defence counsel was to file submissions by March 22, 2023 but none has been filed.
4. This court finds that the evidence of the 8 prosecution witnesses raise a *prima facie* case for the offence of murder. The accused has a case to answer and is placed on defence.

**DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 23 DAY OF MARCH 2023**

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

**JUDGE**

**In the presence of:-**

Ogwel- Court Assistant

Mr. Ngiri – Counsel for State – Present

Accused –



Mr.Magolo J Advocate for accused & Magolo Paul Advocate hold brief

**Hon. Lady Justice A. Ong'injo**

**Judge**

**Mr. Magolo Paul Advocate**

We request for a date for defence hearing.

**Order** – Defence hearing – 15/06/2023

**Hon. Lady Justice A. Ong'injo**

**Judge**

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