



REPUBLIC OF KENYA



**Republic v Bates & another (Criminal Case E014 of 2022)  
[2023] KEHC 20475 (KLR) (13 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20475 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE E014 OF 2022**

**A. ONG'INJO, J  
JULY 13, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**ALI AHMED BATES ..... 1<sup>ST</sup> ACCUSED**

**HUSSEIN OMARI ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused persons Ali Ahmed Bates and Hussein Omar face a charge of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. Particulars of the offence are that Ali Ahmed Bates and Hussein Omar on June 22, 2022 at Magram Butchery Area, Jomvu Road, off Jomo Kenyatta Avenue in Mvita Sub-County within Mombasa County murdered David Ndegwa.
3. The prosecution called 5 witnesses to support its case and from the evidence of the prosecution witnesses, this court finds that a prima facie case has been established sufficient to place accused persons on their defence. They have a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 13<sup>TH</sup> DAY OF JULY 2023**

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

**JUDGE**

**In the presence of: -**

**Bebora- Court Assistant**

**Mr. Ngiri for the State**



**Ms. Munyari Advocate for the 1<sup>st</sup> Accused – Mr. Masolia holding brief**

**Mr. Masolia Advocate for the 2<sup>nd</sup> Accused**

**Accused present in person**

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

**JUDGE**

**Court: Section 211 CPC explained to the accused persons**

**Mr. Masolia: Ms. Munyari indicated 1<sup>st</sup> Accused will give sworn evidence and will not call a witness.  
The 2<sup>nd</sup> Accused will also give sworn evidence**

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

**JUDGE**

**13.7.2023**

