



**Republic v Kibarua & 3 others (Criminal Case 8 of 2019)
[2023] KEHC 20479 (KLR) (13 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20479 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE 8 OF 2019**

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

BETWEEN

REPUBLIC PROSECUTOR

AND

MBITO NJEI KIBARUA 1ST ACCUSED

MWINGO KASIKO MWINGO 2ND ACCUSED

LETE MWAIWE MWERO 3RD ACCUSED

KOMBO KWAKA CHINDORO 4TH ACCUSED

RULING

1. The accused persons Mbitio Njei Kibarua, Mwingo Kasiko Mwingo,lete Mwaiwe Mwero, Kombo Kwaka Chindoro 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 Mbitio Njei Kibarua, Mwingo Kasiko Mwingo, Lete Mwaiwe Mwero, Kombo Kwaka Chindoro on the 11th day of March 2019 at Gandini Village in Gandini sub-location within Kinango Sub-County of Kwale County murdered Mbitio Mgandi.
3. The prosecution called 10 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
13TH DAY OF JULY 2023**

HON. LADY JUSTICE A. ONG'INJO

JUDGE



In the presence of: -

Bebora- Court Assistant

Mr. Ngiri for the State

Mr. Egunza Advocate for the 1st Accused

Mr. Ngaine Advocate for the 2nd Accused – Mr. Egunza Advocate holding brief

Mr. Gitari Advocate for the 3rd Accused – Mr. Bosire Advocate holding brief

Mr. Bosire Advocate for the 4th Accused

1st Accused present in person

2nd Accused present in person

3rd Accused present in person in custody

HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Section 211 of the CPC explained to accused persons

Mr. Egunza: 1st Accused will give sworn statement. I will take up Mr. Gitari's client.

Mr. Bosire: 4th Accused will give sworn statement and call 2 witnesses

Order:

Defence hearing on 3.10.2023. 3 accused persons and 2 witnesses for the 4th Accused.

Notice to Mr. Gitari and Mr. Ngaine.

Registry to supply photocopies of proceedings to the 3rd Accused in custody.

Mr. Egunza to take up Mr. Gitari's matter.

HON. LADY JUSTICE A. ONG'INJO

JUDGE

13.7.2023

