



REPUBLIC OF KENYA



**Republic v Mumba (Criminal Case E018 of 2022)
[2023] KEHC 20296 (KLR) (6 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20296 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL CASE E018 OF 2022**

A. ONG'INJO, J

JULY 6, 2023

BETWEEN

REPUBLIC PROSECUTOR

AND

HAPPY MWENDA MUMBA ACCUSED

RULING

1. The accused Happy Mwenda Mumba faces a charge of murder contrary to Section 203 as read together with Section 204 of the [Penal Code](#) Cap 63 Laws of Kenya.
2. Particulars of the offence are that Happy Mwenda Mumba on the 7th day of July 2022 at Bombo Area in Kisauni sub-county within Mombasa County murdered Alvin Mumba. The prosecution called 8 witnesses to support its case. Counsel for the accused person filed submissions on no case to answer.
3. From the evidence of the 8 prosecution witnesses, this court finds that a *prima facie* case has been established to place the accused on his defence. She has a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS, THIS
6TH DAY OF JULY 2023**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Bebora- Court Assistant

Mr. Ngiri for the State

Mr. Were Advocate for the Accused

Accused present in person



HON. LADY JUSTICE A. ONG'INJO

JUDGE

Court: Section 211 of the [CPC](#) explained to the accused person.

Mr. Were: We can have a date for defence hearing. The accused will give sworn testimony.

Orders: Defence hearing on July 21, 2023

HON. LADY JUSTICE A. ONG'INJO

JUDGE

