



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 45 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

DESMOND ASHIOYA KATIBI.....ACCUSED

R U L I N G

1. The accused Desmond Ashioya Katibi is charged with offence of Murder contrary to Section 203 as read with section 204 of the Penal Code.

2. Particulars are that Desmond Ashioya Katibi on an unknown dates and time at Kaa Chonjo Slums within Tudor area in Mombasa City within Mombasa County murdered Margret Awino. Prosecution tendered evidence of 5 witnesses in support of charge of murder against the accused and submitted that offence has been proved and accused should be placed on defence. The accused person's counsel did not file submissions and matter was reserved for ruling.

3. Having considered the prosecution witnesses' evidence this court has come to the conclusion that a *prima facie* case has been established sufficient to call upon accused person to defend himself.

4. He has a case to answer

Dated, signed and delivered in Open Court /online through MS TEAMS, this 22nd day of July, 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel – Court assistant

Ms. Karanja for Respondent

Accused – present in person

Ms. Odhiang hold brief for Ms. Matara Advocate for accused

Hon. Lady Justice A. Ong'injo

Judge

MS. ODHIANG

We request for a date for defence hearing.

Hon. Lady Justice A. Ong'injo

Judge

COURT

Provisions of Section 211 Criminal Procedure Code explained to accused.

Hon. Lady Justice A. Ong'ingo

Judge

ACCUSED

I will decide after discussing with my lawyer.

ORDER

Defence hearing – 14/09/2021

Hon. Lady Justice A. Ong'ingo

Judge