



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 23 OF 2018

REPUBLICPROSECUTOR

VERSUS

LINNET WANDALO MABUKU.....ACCUSED

RULING

1. The accused Linnet Wandalo Mabuku faces a charge of Murder Contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that Linnet Wandalo Mabuku on the 10th of May 2018 in Changamwe within the County of Mombasa murdered RW.

2. From the evidence of prosecution witnesses and particularly medical evidence in postmortem Report – EXP 3 this court finds that the penetrating lung injury found on the body of the deceased – 3½ years old child could not have been self-inflicted and the suspicion by the prosecution witnesses that accused had a hand in it makes this court find that a prima facie case has been established requiring the accused who was the one incharge of the child to defend herself. She has a case to answer.

Dated, signed and delivered in open court/online by MS TEAMS, this 13th day of July 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel - Court assistant

Respondent – Ms. Karanja for state

Accused - Present in person

Mr. Mokaya Advocate for accused person

Hon. Lady Justice A. Ong'injo J

13/07/2021

MR. MOKAYA

I request for a defence hearing date after 3 months. The accused is in court and she is due for delivery in August 2021 through caesarian section and the terms for healing will belong about 3 months.

Hon. Lady Justice A. Ong'injo J

13/07/2021

ORDERS

Defence hearing 23/11/2021.

Hon. Lady Justice A. Ong'ino J

13/07/2021