



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE NO. 3 OF 2019**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**SALIM KALIMBO NYAWA alias MSANII.....1<sup>ST</sup> ACCUSED**

**ERNEST URUNZI MURABU alias NDEGWA.....2<sup>ND</sup> ACCUSED**

**MWANAIKI CHIMAKO.....3<sup>RD</sup> ACCUSED**

**RULING**

1. The Accused persons, SALIM KALIMBO NYAWA alias MSANII, ERNEST URUNZI MURABU alias NDEGWA and MWANAIKI CHIMAKO, were charged with murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 63 of the Laws of Kenya.
2. Particulars of the offence are that on the 20<sup>th</sup> day of January 2019 at Kwanyanje Village, Kasemeni Location in Lunga Lunga Sub County within Kwale County, jointly murdered ADAM KIMANI GICHAMBA.
3. From the evidence of the eleven (11) prosecution witnesses, this court finds that the prosecution has established a prima facie case sufficient to call upon the accused persons to defend themselves. They have a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 7TH DAY OF OCTOBER 2021**

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

**JUDGE**

**In the presence of:-**

**OGWEL- COURT ASSISTANT**

**MS. MWANGEKA FOR STATE**

**MR. KUTUTA WATCHING BRIEF FOR FAMILY OF THE DECEASED**

**MR. AMINGA FOR 1ST ACCUSED**

**MS. KIPSANG FOR 2ND ACCUSED**

**MS. ODHIANG' FOR 3RD ACCUSED**

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

**JUDGE**