



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 1 OF 2019

REPUBLIC.....PROSECUTOR

-VERSUS-

SULEIMAN CHIPHORO Alias DIMAU.....1st ACCUSED

ALI SULEIMAN CHIPHORO.....2nd ACCUSED

R U L I N G

1. The accused persons Suleiman Chiphoro alias Dimau and Ali Suleiman Chiphoro face a charge of murder contrary to Section 203 as read with Section 204 of the Penal Code Cap63 Laws of Kenya.

2. The particulars are that on the 10th day of January 2019 at Kikonde village in Kwale County, within coastal region jointly with another not before court murdered Josephat Karua Wainaina. The prosecution called 10 witnesses to support its case that the accused persons committed the offence herein. Defence did not file submissions for no case to answer and the matter was reserved for ruling.

3. From the evidence of the ten witnesses, this court finds that the prosecution 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/online through MS TEAMS,

this 11th day of November 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

Ogwel- Court Assistant

Mr. Mulamula for the State

Mr. Magolo for the Accused Persons

Accused 1 present in person

Accused 2 present in person

Hon. Lady Justice A. Ong'injo

Judge

COURT

Order – Defence Hearing on 7.2.2022

Hon. Lady Justice A. Ong’ingo

Judge