



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL CASE NO. 7 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

MAXWELL MWAIGOLO.....ACCUSED

RULING

1. The accused person Maxwell Mwaingolo is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 63 Laws of Kenya.

2. The particulars are that on the 30th day of January 2018 at Kiembeni Bombo Village in Kisauni Sub-County within Mombasa County Murdered Rama Kombo Malau. The prosecution called 4 witnesses to support its case that the accused person committed the offence herein. Defence filed submissions for no case to answer and the matter was reserved for ruling.

3. From the evidence of the four witnesses, this court finds that the prosecution established a prima facie case sufficient to call upon the accused person to defend himself. He has a case to answer.

DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS, THIS 9TH DAY OF DECEMBER 2021

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of:-

TURUKI- COURT ASSISTANT

MR. MULAMULA FOR THE STATE

MR. WAFULA FOR THE ACCUSED – MR. AMANI ADVOCATE HOLDING BRIEF

ACCUSED PRESENT IN PERSON

HON. LADY JUSTICE A. ONG'INJO

JUDGE

MR. AMANI ADVOCATE

WE PRAY FOR A DATE FOR DEFENCE HEARING. WE SHALL ADDRESS THE COURT ON

HOW ACCUSED WILL TESTIFY AFTER WE CONSULT.

ORDER: DEFENCE HEARING 4.2.2022

HON. LADY JUSTICE A. ONG'INJO

JUDGE