



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MIGORI**

**CRIMINAL CASE NO. 15 OF 2017**

**(Consolidated with Criminal Case Nos. 18 and 19 of 2017 and No. 19 of 2018)**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**1. JOHN BUSERE CHACHA**

**2. JOHN RIOBA MWIKWABE**

**3. CATHERINE MOGESI**

**4. JAPANESE RIOBA.....ACCUSED**

**RULING**

1. Having been initially separately charged, the accused persons herein were formally jointly charged on 23/07/2018 with others already before court for the murder of one **Peter Marwa John**.

2. The accused persons denied the charge and a trial was held. The prosecution called 6 witnesses.

3. At the close of the prosecution's case Counsel for the Accused persons filed written submissions. They contended that there was no sufficient evidence to warrant the accused persons be placed on their defences They also referred to several decisions which I have carefully read.

4. This Court has patiently considered the evidence on record. I am satisfied that the prosecution has established a *prima facie* case against each of the accused persons to warrant them be placed on their defenses.

5. Consequently, the accused persons herein are hereby placed on their defenses. **Section 306(2)** of the **Criminal Procedure Code**, Chapter 75 of the Laws of Kenya is hereby complied with.

**DELIVERED, DATED and SIGNED at MIGORI this 4<sup>th</sup> day of April 2019.**

**A. C. MRIMA**

**JUDGE**

**Ruling delivered in open Court and in the presence of: -**

**Mr. Kisera** Counsel for the First Accused person.

**Mr. Jura** Counsel for the Second, Third and Fourth Accused persons.

**Mr. Kimanthi**, Learned Senior Principal Prosecution Counsel instructed by the Office of the Director of Public Prosecutions for the State.

**Evelyne Nyauke** – Court Assist