

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT VOI

CRIMINAL CASE NO 6 OF 2015

REPUBLIC

VERSUS

VINCENT MAGANGA MWASIGHWA.....1ST ACCUSED PERSON

RICHARD NYAMBU MWANDOE.....2ND ACCUSED PERSON

DONCIA WAKESHO MGHANDA.....3RD ACCUSED PERSON

RULING

1. On 17th November 2016, the Prosecution closed its case after calling a total of six (6) Prosecution witnesses.
2. The court directed counsel for the State and counsel for the Accused persons to file their respective Written Submissions on the question of whether or not the Accused persons had a case to answer. The Accused persons filed their Written Submissions dated 29th November 2016 on even date while the State filed its Written Submissions dated 13th December 2016 on 14th December 2016.
3. When the matter came up in court on 15th December 2016, this court reserved the Ruling as to whether or not the 1st and 3rd Accused persons had a case to answer to 15th February 2017. Having noted from the proceedings that there was no evidence linking the 2nd Accused person to the offence whatsoever, this court recorded a finding of “Not Guilty” as against the 2nd Accused person. This was in line with the provisions of Section 306(1) of the Criminal Procedure Code Cap 75 (Laws of Kenya).
4. Accordingly, having carefully considered the evidence by the Prosecution witnesses and the Written Submissions by counsel for the Accused persons and counsel for the State, the court was of the opinion that a *prima facie* case had been established against the 1st and 3rd Accused persons to warrant them being put on their Defence. They are hereby put on their defence.
5. It is so ordered.

DATED and DELIVERED at VOI this 15th day of February 2017

J. KAMAU

JUDGE

In the presence of:-

Miss Anyumba..... for State

Were.....for Accused persons

Josephat Mavu– Court Clerk