



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Republic v Juma & another (Criminal Case 49 of 2014)  
[2024] KEHC 587 (KLR) (25 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 587 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL CASE 49 OF 2014  
A. ONG'INJO, J  
JANUARY 25, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**RASHID JUMA ..... 1<sup>ST</sup> ACCUSED**

**MWINYI HAMISI MASUUD ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. Rashid Juma and Mwinyi Hamisi Masuud are jointly charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars of the offence in Count I are that on 3<sup>rd</sup> March 2013 at Jomvu Area within Miritini in Kilindini District within Mombasa County jointly with others not before court murdered No. 217778 Senior Superintendent of Police Otieno Owuor.
3. In Count II the particulars of the offence in Count I are that on 3<sup>rd</sup> March 2013 at Jomvu Area within Miritini in Kilindini District within Mombasa County jointly with others not before court murdered No. 230655 Chief Inspector Salim Kimutai Chebii.
4. In Count III the particulars of the offence in Count I are that on 3<sup>rd</sup> March 2013 at Jomvu Area within Miritini in Kilindini District within Mombasa County jointly with others not before court murdered No. 42978 Police Constable Stephen Maithya.
5. In Count IV the particulars of the offence in Count I are that on 3<sup>rd</sup> March 2013 at Jomvu Area within Miritini in Kilindini District within Mombasa County jointly with others not before court murdered No. 52076 Police Constable Andrew Songwa.



6. The prosecution called 10 witnesses to support its case and from the evidence of the 10 prosecution witnesses, this court finds that a prima facie case has been established to place the accused persons on their defence. They have a case to answer.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 25<sup>TH</sup> DAY OF JANUARY 2024**

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

**JUDGE**

**In the presence of: -**

**Etropia- Court Assistant**

**Mr. Ngiri for the State**

**Mrs. Omondi Advocate H/B for Mr. Shimaka Advocate for the 1<sup>st</sup> Accused**

**Mrs. Omondi Advocate H/B for Mr. Katib Advocate for the 2<sup>nd</sup> Accused**

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

**JUDGE**

**Mrs. Omondi Advocate: We can take a date for defence hearing.**

**Court: Provisions of Section 306 of the CPC explained to accused persons in Kiswahili and they reply.**

**Order: Defence hearing on 7.3.2024. Notice to Mr. Shimaka Advocate for the 1<sup>st</sup> Accused.**

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

**JUDGE**

**25.1.2024**

