



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL CASE NO. 61 OF 2018**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**LIVINGSTONE LILUMBI MURULI alias LEVI.....ACCUSED**

**RULING**

Livingstone Lilumbi Muruli alias Levi is charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. He is accused of having killed Lucy Akoth on the night of 21<sup>st</sup> November 2018 at about 11.00pm in Riruta Satellite area within Nairobi County. He has denied committing this offence.

To support its case, the prosecution has called a total of ten (10) witnesses. I have examined with care all the evidence of the prosecution. It shows that the accused and the deceased were living together as man and wife. They lived with PW8 H.B a minor aged 8 years at the time of testifying in October 2019. On the night of 21<sup>st</sup> November 2018 the two were involved in a domestic dispute. A fight ensued. The noise from their fighting was loud enough to keep their neighbours who included Ebby Muhangani, PW1 and Jackline Ngaira Meta, PW2, awake. Their evidence shows that the deceased was calling the accused loudly telling him to stop beating her and that the beating went on for a long time. The deceased was also calling for help from her neighbours. Little H. B told the court that her father, the accused, beat her mother, the deceased, using a stool and that her mother was pleading with the accused to stop beating her. In court it was exhibited a broken stool Ex. 8 which had slight stains of blood whose DNA proved that the blood came from the deceased.

The cause of death according to the evidence and the Post Mortem Report produced in court as EX. 3 by Dr Dorothy Njeru, PW8 was asphyxia due to manual strangulation with extensive soft tissue injuries due to blunt force trauma. This finding is consistent with the evidence that the deceased had multiple injuries on her body.

I have considered this evidence carefully. It has satisfied me that it is sufficient and it implicates the accused person in the death of Lucy Akoth. I therefore find that the accused has a case to answer. I will and do hereby proceed to place him on his defence. It is so ordered.

**DATED, SIGNED AND DELIVERED THIS 12TH DAY OF JANUARY 2021.**

**S. N. MUTUKU**

**JUDGE**