

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL CASE NO. 17 OF 2018

REPUBLIC

VERSUS

PETER MAINA WANGARI.....ACCUSED

RULING

1. The accused was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code; he was accused of having murdered Eunice Wamucii Maina on the 8th day of November, 2018 at Mweiga Trading Centre in Mweiga Location of Nyeri County;
2. On the 6th December, 2018 the accused entered a plea of Not Guilty; at the hearing hereof the accused was at all times represented by Learned Counsel Mr Nderi whereas Ms. Gicheha was the Prosecuting Counsel for the State;
3. The case was partially heard by Matheka J who heard three (3) prosecution witnesses; a total of eight (8) witnesses were called in support of the prosecutions' case; at the close of the prosecution case defence counsel was invited to make submissions as to whether the prosecution had made out a case that required the accused person to be called upon to defend himself;
4. Both the defence counsel and prosecuting counsel for the State stated that they were relying on the evidence on record; prosecuting counsel submitted the evidence adduced by the prosecution had made out a prima facie case that warranted placing the accused on his defence;
5. After having evaluated all the evidence on record it is this court's finding that the evidence adduced by Daniel Maina Masege (**PW4**) who knew both the accused and the deceased placed the accused at the scene of the crime on the material date; the evidence adduced by this prosecution witnesses raises a scintilla of evidence to support a reasonable conclusion that the accused could have been involved in the commission of the offence; and this court is satisfied that the prosecution has established a prima facie case against the accused that warrants him being placed on his defence to answer to the charges; refer to the renowned case of **Bhatt vs Republic (1957)**;
6. The accused is found to have a case to answer; his rights and options will be put to him for election before he presents his defence.

Orders Accordingly.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NYERI THIS 18TH DAY OF MARCH, 2021.

HON. A. MSHILA

JUDGE