



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL CASE NO. 15 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ISSACK MWANGI WAKANYI.....ACCUSED**

**RULING**

1. The accused is charged with *murder* contrary to section 203 as read with section 204 of the **Penal Code**.
2. The particulars are that on 5<sup>th</sup> September 2013 at Kahaini village in Murang'a County, he murdered *FNN*.
3. He pleaded *not guilty*. The prosecution called *seven* witnesses.
4. I have paid heed to the evidence of the key witnesses. For instance, PW1 was the father of the deceased, a child aged about five years. He said that the deceased never returned from school on the material day. Her body was found the next day by PW2 and PW3. PW4, PW5 and PW6 also visited the scene.
5. There is then the evidence of PW7, a village elder. He testified that on 6<sup>th</sup> September 2013, the accused ran to the chief's office pleading to be arrested. He was being pursued by a mob. The accused told him that he had "killed someone". He was arrested.
6. I have also perused the Post Mortem Form (exhibit 1) which was produced by consent under section 77 of the **Evidence Act**.
7. Applying the precedents in *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949); and, upon the digest of the evidence of *all* the *seven* witnesses, I find that the Republic has established a *prima facie* case against the accused.
8. Accordingly, under the provisions of section 306 (2) of the **Criminal Procedure Code**, I place the accused on his defence.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT MURANG'A THIS 27TH DAY OF JULY 2021.**

**KANYI KIMONDO**

**JUDGE**

**Ruling read in open court in the presence of:**

The accused.

Mr. Mwaniki Warima for the accused.

Mr. S. Mutinda for the Republic.

Ms. Dorcas Waichuhi & Ms. Susan Waiganjo, Court Assistants.