



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CRIMINAL CASE NO. 55 OF 2019**

**REPUBLIC .....DPP**

**VERSUS**

**JOSPAT NGUGI.....ACCUSED.**

**RULING**

Josphat Ngugi is charged with offence of murder contrary to section 203 as read with section 204 of the penal code.

Particulars are that Josphat Ngugi on the 3rd day of July 2019 at Kindani Location in Igembe South Sub-county within Meru County murdered Amareded Karingori.

The prosecution availed 7 witnesses to support its case. However, the evidence of PW5 and PW6 was to the effect that the deceased was the aggressor and that the accused picked a frame/firewood and used it to hit the deceased on the head when he realised the accused was overpowering him. PW6 said that the deceased boxed the accused and that she also heard the accused complaining that the deceased had kicked him.

In consideration of the evidence of PW5 and PW6 this court finds that the prosecutions evidence supports the offence of manslaughter and not murder. The accused is therefore acquitted of the offence of murder and placed on his defence for the lesser charge of Manslaughter.

**HON A. ONG'INJO**

**JUDGE**

**RULING DELIVERED, DATED AND SIGNED IN COURT ON 27<sup>TH</sup> DAY OF FEBRUARY 2020.**

**In the presence of :**

C/A: Kinoti

Accused:- Present in person

State: Ms Mbithe for state.

Mr Muriera Advocate for accused

**HON A. ONG'INJO**

**JUDGE**

Mr Muriera Advocate

Accused will give sworn statement.

Order: Defence hearing 19.3.2020

**HON A. ONG'INJO**

**JUDGE**