



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MAKUENI**

**HCCRC NO.163 OF 2017**

**FORMERLY MACHAKOS HCCRC 5 OF 2016**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**DANIEL NZIOKA MBOTE.....ACCUSED**

**RULING**

1. **Daniel Nzioka Mbote** the accused stands charged with the offence of murder contrary to section 203as read with section 204 of the Penal Code.
2. The prosecution relied on the evidence of seven (7) witnesses who included an eye witness. Each of the witnesses stated what he or she did, saw or heard.
3. I have considered all their evidence together with the submissions by the defence.
4. I find a prima facie case established against the accused who I hereby place on his defence under section 306(2) Criminal Procedure Code.

**Delivered, signed & dated this 25<sup>th</sup> day of June 2020, in open court at Makueni.**

**H. I. Ong'udi**

**Judge**