

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCRC NO.148 OF 2017

FORMERLY MACHAKOS HCCRC. NO.63 OF 2015

REPUBLIC.....PROSECUTION

-VERSUS-

JOSEPH MUIA MUNYAO.....ACCUSED

RULING

1. Joseph Muia Munyao the accused herein is facing a charge of murder contrary to section 203 as read with section 204 of the Penal Code. He is accused of killing **James Vaati Cosmas**.

2. The prosecution called a total of nine (9) witnesses. Pw1 to Pw4 were with the accused and deceased on the material night at a bar in Ulu trading centre. They have testified and stated what they heard and saw on the said night.

3. The rest of the witnesses have also stated what they know. Some of them had their last moments with the deceased and they have stated what he allegedly told them.

4. I have considered all the evidence adduced. I am satisfied that the prosecution has established a prima facie case against the accused who I hereby place on his defence under section 306 (2) of the Criminal Procedure Code.

Orders accordingly.

Delivered, signed & dated this 25th day of June 2020, in open court at Makueni.

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H. I. Ong'udi

Judge