

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCRC NO.128 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

JAMESON MUSYOKI MUIA.....ACCUSED

RULING

1. **Jameson Musyoki Muia** the accused is facing a charge of murder contrary to section 203 as read with section 204 of the Penal Code.

The prosecution relied on the evidence of nine (9) witnesses. None of the witnesses witnessed the killing of the deceased who was a son to the accused.

The evidence adduced was therefore purely circumstantial. The doctor (Pw5) gave the cause of death as cardiorespiratory arrest due to subdural haematoma secondary to blunt trauma. The deceased's body was found in a water dam.

2. Pw1 – Pw3 who are children and were staying with the accused and the deceased have given their account of the chronology of the events of 30th November, 2017 when the deceased's body with injuries was found in the dam.

3. I have considered their evidence plus all other evidence alongside the submissions by Mr. Hassan for the accused. I am satisfied that a prima facie case has been established against the accused who I hereby place on his defence.

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

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H. I. Ong'udi

Judge