



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CRIMINAL CASE NO. 42 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**TWG.....SUBJECT**

**RULING**

TWG, hereinafter referred to as “the Subject” faces 10 counts of murder contrary to Section 203 as read with Section 204 of the Penal Code. All the ten victims were students of Moi Girls School Nairobi. The Subject was likewise a student at the same school. All the ten victims were being housed at Kabarnet Dormitory, so was the Subject. The events leading to the death of all the ten victims in this case occurred on the night of 1<sup>st</sup> and 2<sup>nd</sup> September 2017. On that night a fire started at Kabarnet Dormitory. Eight of the ten victims died at the Dormitory while two died while undergoing treatment in hospital. The Subject is accused of setting the dormitory on fire leading to the death of the 10 victims. She has denied the ten charges. This paved way for the prosecution to call 42 witnesses to prove the case against the Subject.

I have read with care all the evidence tendered by the witnesses. These witnesses include classmates, dormitory mates and friends of the Subject; the police officers who visited the scene and those who investigated the case; security personnel attached to the school; the school administration led by the Principal as well as the pathologist and other technical witnesses from the fire agencies and telecommunication service providers. The evidence from the classmates, dormitory mates and friends of the Subject show a child whose actions and behaviour can only be described as disturbing. As to whether this evidence proves this case beyond reasonable doubt or not can only be determined after closely analyzing and considering all the evidence by the prosecution and defence witnesses.

This is a case that has caused deep emotions and pain on the parents and relatives of the victims. It is a case that raises public interest. For the victims of this crime, justice can only be seen to have been done after taking evidence from both the prosecution as well as from the defence. With this in mind I will therefore make a finding that the Subject has a case to answer in all the ten counts. I hereby proceed to place her on her defence. orders shall issue accordingly.

**DATED, SIGNED AND DELIVERED TODAY THE 30<sup>TH</sup> DAY OF NOVEMBER, 2020**

**S. N . MUTUKU**

**JUDGE**