

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

CRIMINAL CASE NO. 7 OF 2014

REPUBLIC.....PROSECUTION

VERSUS

JOHNSON IRERI NJIRU.....ACCUSED

RULING

The accused faces the charge of murder contrary to Section 203 as read with Section 204 of the Penal code whose particulars are that on the 4th day of March, 2014 at Kiaragana Village, in Njeruri Sub-location within Embu County, he murdered John Njuki Njeru Kamau, deceased. His trial commenced on 31st march 2014 and on 19th May 2014 and he pleaded not guilty to the charge. Prior to his plea the accused had been certified to be mentally fit to stand trial by Dr. Joseph Thuo (PW8), a psychiatrist at Embu Level 5 Hospital whose report dated 18th March 2014 was produced in evidence.

The brief facts were that the deceased had been killed several days before his body was discovered in a coffee plantation about 600 metres from the house of the accused. PW1 the brother of the deceased was informed on phone and proceeded to the coffee plantation where parts of the body including a human head, lower jaw and ribs were found and police later removed them for forensic tests. PW1 identified the human head and in particular the teeth as those of his deceased brother.

Police visited the home of the accused the following day and recovered some exhibits including a heavy stone, a sack which made them form the opinion that the stone was probably the murder weapon and that the sack was used to ferry the body to the coffee plantation.

The accused was later arrested and charged with the offence.

At the close of the prosecution's case, the defence opted not to file any submissions.

In this case the prosecution called a total of nine(9) witnesses.

I have perused and evaluated the evidence on record. I wish to state that where the court is not acquitting the accused at this state, there is no need for a reasoned ruling for a case to answer.

From the entirety of the evidences, I have formed the opinion that the prosecution have made up a prima facie case against the accused in this case.

For those reasons, I find that the accused has a case to answer and is hereby called upon to make his defence.

It is hereby so ordered.

DATED AND SIGNED AT EMBU THIS 19TH DAY OF NOVEMBER 2020.

F. MUCHEMI

JUDGE