



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL CASE NO. 14 OF 2014

REPUBLIC.....PROSECUTOR

-VERSUS-

JOSPHAT KIMAMO NGUNJIRI.....1ST ACCUSED

RICHARD NGUNJIRI KIMAMO.....2ND ACCUSED

RULING

1. The accused persons **Josphat Kimamo Ngunjiri** and **Richard Ngunjiri Kimamo** are charged with murder c/s 203 as read with s. 204 of the Penal Code.
2. It is alleged that on the 24th April 2014 at Karaihu Village Tetu District within Nyeri County within the Republic of Kenya they jointly murdered Douglas Kamunya Ngunjiri.
3. The prosecution called 11 witnesses. At the close of their case the issue is whether the prosecution has established a *prima facie* case to warrant each of the accused being put on the defence.
4. I have carefully considered the evidence and the rival submissions by the Mr. Magoma for the state, and M. Nyakio for the accused persons. My view is that there is a prima facie case to warrant the accused being placed on the defence under s. 306(2) of the CPC

Dated, delivered and signed at Nyeri this 24th Day of January 2019.

Mumbua T Matheka

Judge

In the presence of:

Court Assistant: Jerusha

Accused person

Mr. Magoma for state

Ms. Nyakio for accused persons.

