

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL CASE NO. 1 OF 2014

REPUBLIC.....PROSECUTOR

-VERSUS-

MOSES KANYI MUCHIRI.....ACCUSED

RULING

1. The accused person **Moses Kanyi Muchiri** is charged with murder c/s 203 as read with s. 204 of the Penal Code.
2. It is alleged that on the 25th December 2013 at Ndunyu Market in Mahiga Location of Nyeri South Sub-County within Nyeri County murdered Samuel Muchungi Njoroge *alias* Kigumo.
3. The prosecution called 10 witnesses. At the close of their case the issue is whether the prosecution has established a *prima facie* case to warrant 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 Mr. Muchiri wa Gathoni for the accused person. 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 holding brief for Muchiri wa Gathoni