



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NYERI

CRIMINAL CASE NO. 8 of 2016

REPUBLIC.....PROSECUTOR

-VERSUS-

DANFORD KABAGE MWANGI.....ACCUSED

RULING

1. The accused person **Danford Kabage Mwangi** is charged with murder c/s 203 as read with s. 204 of the Penal Code.
2. It is alleged that on the 15th August 2016 at Kiganjo Shopping Centre in Kiganjo Location within Nyeri County murdered Emmanuel Khamisi Simiyu.
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 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. Gathiga Mwangi 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 present

Mr. Njuguna Kimani holding

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

Mumbua T Matheka

Judge

In the presence of:

Court Assistant: Jerusha

Accused present

Mr. Njuguna Kimani holding brief for Gathiga Mwangi.

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