



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCR NO. 97 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**TITUS MUTUA KILONZO.....1<sup>ST</sup> ACCUSED**

**RICHARD MBUVI KYENGO.....2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused persons were charged with the offence of **Murder Contrary to Section 203 as read with Section 204 of the Penal Code, Cap 63 of the Laws of Kenya.**
2. Particulars being that on night of **10/03/2014**, at Yikivumbu Village of Kambu Sub-location of Kibwezi District within Makueni County, murdered **Bernard Mbithi Mwangela.**
3. They pleaded not guilty and matter went into trial.
4. The prosecution called eleven witnesses to prove its case.
5. Upon closure of the prosecution case, the court is called to make a ruling as to whether the accused persons have a case to answer and thus be put on their defence.
6. The court has gone through the evidence on record and accused's advocate submissions and has come to conclusion that the prosecution has adduced sufficient evidence to warrant the accuseds to be put on their defence.
7. The court therefore puts the accused persons on their defence.

**SIGNED, DATED AND DELIVERED THIS 31<sup>ST</sup> DAY OF MAY 2019, IN OPEN COURT.**

**C. KARIUKI**

**JUDGE**