

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCRC NO. 78 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

BENJAMIN KYALO MULONZI.....ACCUSED

RULING

1. The accused is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

The particulars being that on 7/9/2010 he killed **Jackson Mulinge Mulonzi** who was his younger brother.

2. The prosecution called six (6) witnesses who testified of what they saw, heard and did.

3. A post mortem report was produced by consent as EXB2. It shows the cause of death as cardiopulmonary arrest due to severe head injury.

4. The evidence adduced has placed the accused at the scene of incident. The deceased died as a result of the injuries suffered on this day.

5. I have equally considered the submissions by the defence based on the evidence on record. In totality, **I find that there is sufficient evidence to warrant the accused being placed on his defence which I hereby do under Section 306(2) Criminal Procedure Code.**

DELIVERED, SIGNED & DATED THIS 27TH DAY OF JUNE, 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE