



**REPUBLIC OF KENYA**

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

**HCCR NO. 139 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**NDOLO MUTUNDU.....ACCUSED**

*(Formerly Machakos High Court Criminal Case No. 62 of 2014)*

**RULING**

1. The accused is facing a charge of murder contrary to section 203 as read with section 204 of the Penal Code. Seven (7) have testified and the postmortem report (EXB2) was produced by consent of the prosecution and defence. The cause of death is shown as severe chest injury.
2. I am satisfied that the prosecution has established a prima facie case requiring the accused to make his defence under section 306 (2) CPC.
3. The accused is therefore placed on his defence.

Orders accordingly.

**DELIVERED, SIGNED & DATED THIS 26<sup>TH</sup> DAY OF JULY, 2019 AT MAKUENI IN OPEN COURT.**

.....

**HON. H. I. ONG'UDI**

**JUDGE**