

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 4 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

LUCAS MUNANDU MALILE.....ACCUSED

RULING

1. **Lucas Munandu Malile** the accused herein is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars being that the accused on 21st February, 2017 at Kaliani sub location in Githungo location within Makueni county in the Republic of Kenya murdered **Christine Nthenya Mutunga**.

2. The prosecution called ten (10) witnesses to establish its case. The accused and deceased lived together as husband and wife. The postmortem report shows the cause of death as "hemorrhagic shock secondary to crushed right femoral vein of artery, secondary to blunt force injury (object)". Save for Pw6 **Kavati Malile** who is the accused's mother Pw1 – Pw5, Pw8, Pw9 saw injuries on the deceased.

3. Mr. Hassan for the accused filed written submissions citing inconsistencies in the evidence of the witnesses. He also submitted that crucial witnesses had not been called to testify.

4. I have considered all the evidence of the prosecution witnesses and the submissions by the defence. I am satisfied that the prosecution has established a prima facie case against the accused who I hereby place on his defence under Section 306 (2) Criminal Procedure Code.

Orders accordingly.

Delivered, signed & dated this 31st day of October 2019, in open court at Makueni.

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H. I. Ong'udi

Judge