

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARISSA

CRIMINAL CASE NO. 14 OF 2014

REPUBLIC.....PROSECUTION

VERSUS

PETER KITHURE MURIUNGI Alias TOM KYALO MANAGA.....ACCUSED

RULING

1. The accused was charged with offence of murder contrary to section 203 as read with section 204 of the Penal Code (Cap. 63), Laws of Kenya.
2. The particulars being that on the 6th day of August 2011, at about 19:15 hrs at Gatoroni Sub-Location in Kathungu Location of Mumoni Sub-County within Kitui County murdered Nyaga Kimu.
3. He pleaded not guilty and matter went into trial. The prosecution called 6 witnesses and closed its case.
4. The court was called upon to determine whether the accused person is to be put on his defence, thus determine whether prosecution evidence has established a prima facie case.
5. I have perused the evidence on record and especially PW3's testimony which puts the accused at the scene of the crime at the moment and time of the killing and the utterances he made thereof.
6. The court finds that the accused has a case to answer and is put on his defence.

DATED, DELIVERED AND SIGNED AT GARISSA THIS 28TH DAY OF NOVEMBER, 2019.

.....

C. KARIUKI

JUDGE