



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 21 OF 2016**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ELIZABETH KATHINI MUVEA.....ACCUSED**

**R U L I N G**

1. **Elizabeth Kathini Muvea**, the Accused was charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code (Cap 63) Laws of Kenya**. Particulars of the offence are that on the **4<sup>th</sup>** day of **August, 2016** at **Ngamui Village, Malatani Sub-Location** in **Mutitu Sub-County** within **Kitui County** murdered **Munyithya Muvea** (Deceased).
2. At the close of the Prosecution's case there was proof of the fact of death. A post mortem report adduced in evidence established that the cause of death was due to a severe head injury and subdural haemorrhage.
3. Witnesses alluded to a disagreement between the Deceased and the Accused. The following morning, he was found dead in the kitchen with visible injuries. Circumstantial evidence per the investigations carried out pointed at the Accused as a suspect. Therefore, I call upon her to explain what transpired pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code**.
4. It is so ordered.

**Dated, Signed and Delivered at Kitui this 26<sup>th</sup> day of November, 2019.**

**L. N. MUTENDE**

**JUDGE**