



**REPUBLIC OF KENYA**

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

**HCCR NO. 23 OF 2018**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**SMITH TAMA MULI.....ACCUSED**

**RULING**

1. **Smith Tama Muli** the accused herein stands charged with the offence of murder of **Alexander Mbithi** on 4<sup>th</sup> November, 2018 contrary to section 203 as read with section 204 of the Penal Code.

2. The prosecution called a total of 12 witnesses who have testified on what they saw, heard and did. The cause of death was found to be a severe head crush injury with mangled skull bone – caused by a heavy blunt object.

3. None of the parties submitted at this stage.

4. Upon considering this evidence, I am satisfied that a prima facie case has been established against the accused who is hereby placed on his defence under section 306(2) of the Criminal Procedure Code.

Orders accordingly.

**Delivered, signed & dated this 18<sup>th</sup> day of December 2019, in open court at Makueni.**

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**H. I. Ong’udi**

**Judge**