

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 20 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

BONIFACE MUTUA.....ACCUSED

RULING

1. **Boniface Mutua** the accused herein faces a charge of murder contrary to section 203 as read with section 204 of the Penal Code. The deceased was **Catherine Mutua**.

2. The prosecution called seven (7) witnesses and closed its case. The witnesses have testified on what they saw, heard and did.

3. The postmortem report by **Dr. Josephine Mueni (Pw7)** shows the cause of death as cardiopulmonary arrest caused by sub-arachnoid hemorrhage following spine injury due to trauma. She explained that there was hemorrhage in the space of the spine and brain.

4. Having considered the evidence adduced by the witnesses, 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 17th day of December 2019, in open court at Makueni.

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H. I. Ong'udi

Judge