



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO.72 OF 2012

REPUBLIC.....PROSECUTOR

VS

P K.....ACCUSED

RULING

The accused P Ka was charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the penal code. Particulars are that P K on the 15th day of October 2012 at Nkanda sub-location. Igembe North District within Meru County Murdered B M.

The deceased was about 4 years old. When he met his death on a Monday morning 8.30 am when he had been prepared to go to school. PW1 said that the accused cut the child on the head using a panga when he left him outside to go back to the house to pick his jacket.

PW2 P M also saw accused cut the deceased on the head. The accused person even cut his mother PW1's hand who rushed to rescue the deceased child when she heard him scream.

PW3 responded to screams emanating from PW1's home and found PW2 had pinned accused down & PW3 assisted snatch panga from him escorted him to police station.

PW4 also rushed to scene and assisted to disarm the accused after which he went to look for a car to take injured child to hospital.

He said PW1 was holding child who was bleeding profusely from the head. He said when they got to Maua Methodist Hospital the child was pronounced dead.

PW7 P.C Otuoma investigated the Murder and preferred charge against the accused. PW8 Dr. James Kisilu produced post-mortem Report in respect of the deceased.

From evidence on record for the prosecution it is apparent that the accused was directly involved in the murder of the deceased 4 year old B M by cutting him on the head. The part of body aimed at and weapon used on the helpless vulnerable child showed the malicious intention of the accused to ensure the child died. This court finds that a prima facie case has been established. Accused has a case to answer and is placed on defence.

HON. A.ONG'INJO

JUDGE

RULING, DELIVERED, DATED AND SIGNED IN COURT IN 28TH FEBRUARY, 2018.

In the Presence of:

C/A:

Republic:-

Accused:-

HON. A.ONG'INJO

JUDGE