



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 86 OF 2013.

REPUBLICPROSECUTOR

VS

SAMUEL MWANDIKI CYPRIAN.....ACCUSED

RULING

The accused Samuel Mwandiki Cyprian was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code Cap 23 Laws of Kenya.

Particulars are that Samuel Mwandiki Cyprian on the 5th day of October 2013 about 3.30 a.m at Taita Village in Imenti South Sub county within Meru County murdered Isaya Bundi Cyprian.

From the evidence of prosecution witnesses this court is determine whether the prosecution has proved its case to the required standard to warrant accused being placed defence.

PW1 heard screams outside her house according to PW4 – 15 metres away and when she got out and approached scene she found the deceased her son lying dead on the ground. She woke up her 2 grandsons together with PW2 – Moses Muterithia who stayed with them and on confirming the deceased was dead they went to report at Nkubu police station.

Police came and collected the body and before leaving searched the house and were led by blood trail stains to the accused persons house. The accused refused to open and the door was broken into and he was arrested and panga and twisted metal rod both of which had blood stains were recovered hidden under the bed.

The exhibits were recovered and taken to the police station together with accused. This evidence of the prosecution raises a prima facie case sufficient to place accused person on defence. He has a case to answer.

HON. A.ONG'INJO

JUDGE

RULING, DELIVERED, DATED AND SIGNED IN COURT IN

22nd FEBRUARY 2018.

In the presence of:

C/A:

Accused: Present in person

State: Mrs Mwathi for state.

MS Muna Advocate holding brief for Nyenyire Advocate for accused.

HON. A.ONG'INJO

JUDGE