



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 08 OF 2013

REPUBLIC.....PROSECUTION

VS

LAWRENCE KAAI MURIUKI.....ACCUSED

RULING

The accused Lawrence Kaai Muriuki is charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. Particulars are that Lawrence Kaai Muriuki on the 23rd day of December 2011 at Abouthoa village Nkuene – Kioro Sublocation Nkuene Location in Imenti Central District within Meru County murdered Benedict Kirimania M'Impai.

From evidence of PW2 she used to cohabit with the accused at Kaguma market but on the material day PW3 his cousin met him walking towards their home as he was leaving for work at 8.00 am in the morning.

PW1 said she left home and accused whose home was directly opposite hers was pacing restlessly at his home while armed with a panga. She said her husband was not at home when she also left. After the deceased died accused person disappeared. PW2 said he went back home in the evening as usual and after taking a bath he left and was not seen even when police went looking for him. She said he called after one week to say his cousin got him a job in Nairobi.

From 23rd November 2011 he was only arrested and arraigned in court on 17th January 2013. PW3 also said when he met the accused he was carrying a panga. PW6 said she was at home at 5.00 pm when the accused passed by while armed with a panga and a hammer. That he went through maize plantation where the deceased was fetching grass for cattle. That she saw the accused hit the deceased on the forehead with the hammer. That she was going to fetch water when she saw the accused cut and hit her father. She said the deceased was bending cutting grass and the accused was very close to him

PW7 said PW6 went running to her home and informed her, her father had been hit and she wanted to help to take him to hospital. From the evidence of the 9 prosecution witnesses this court finds that a prima facie case has been established. Accused person has a case to answer and he is placed on defence.

HON. A.ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 28TH DAY OF JUNE 2018.

IN THE PRESENCE OF:

C/A:-Penina

Prosecution: -Mr Kiarie for state

Accused:- Present in person

Mrs Ntarangwi holding brief for Kiogora Mugambi for accused

HON. A.ONG'INJO

JUDGE

Mrs Ntarangwi

Accused will give sworn statement. He has no witness.

Order

Dhg 6.8.2018

HON. A.ONG'INJO

JUDGE