



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
CRIMINAL CASE NO. 88 OF 2014

REPUBLIC.....PROSECUTION

VS

ISAAC MWITI KIREMA.....1ST ACCUSED

JAPHET MURITHI M'IGWETA.....2ND ACCUSED

RULING

The accused Isaac Mwiti and Japhet Murithi M'Igweta are both charged with the offence of murder contrary to section 203 as read with section 204 of the penal code.

Particulars are that on 26th day of September 2014 at Nchoroiboro village, Ruiru location, Buuri division within Meru County the accused persons Isaac Mwiti Kirema and Japhet Muirethi M'Igweta jointly with others not before the court murdered Elijah Kirimi.

PW1 who also sustained injuries during assault on the deceased witnessed the deceased being murdered.

Pw3 the daughter in law of the deceased also testified to have witnessed the incident. PW1 and PW3 say it happened in broad daylight. PW2 Dr. Simon Mwangi produced post-mortem Report confirming the death and cause of death of the deceased. From evidence of the 5 prosecution witnesses, this court is of the view that a prima facie case has been established sufficient to place accused persons on defence. They have a case to answer.

HON. A.ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 27TH DAY OF JUNE 2018 .

IN THE PRESENCE OF:

C/A:-Penina

Prosecution: - Mr Kiarie for state

Mr Omari Advocate for Accused

A1

A2 Present in person

Mr Omari Advocate

The accused person will give sworn statements and will call witnesses. I will confirm the number of witnesses.

Order

Defence Hearing 4.9.18

HON. A.ONG'INJO

JUDGE