

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL CASE NO.15 OF 2015

DENNIS KINYUA MATHENGE.....1ST APPELLANT

MARGARET NJERI MATHENGE.....2ND APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

The two accused persons Dennis Kinyua Mathenge and Margaret Njeri Mathenge are jointly charged with Murder contrary to section 203 as read with Section 204 of the Penal code.

It is alleged that on 20th August 2015 at Gachika village within Nyeri County they jointly murdered one Joseph Kinyua Wachira.

The prosecution called 10 witnesses. At the close of the case for the prosecution the issue is whether a *prima facie* case has been made out to warrant the 2 accused being put on the defence. (See **Bhatt v R** (1957) EA 332.)

I have carefully considered all the evidence before me. The prosecution has led evidence to show that the deceased died after some kind of altercation with the accused persons.

I am of the view that the evidence before me is sufficient to warrant the accused being put each on their defence as per section 306(2) of the Criminal Procedure Code.

Dated, Delivered and signed at Nyeri in open court this 21st day of September 2018.

Mumbua T Matheka

Judge

In the presence of:

Albert CA

Accused

Ms. Jebet for state

Mr. S. K Njuguna for 1st Accused

Mr. Gathiga Mwangi for 2nd accused