



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAJIADO**

**CRIMINAL CASE NO.26 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**SAMUEL KILELE MUSEMBI.....1<sup>ST</sup> ACCUSED**

**BONIFACE MAKAU PETER.....2<sup>ND</sup> ACCUSED**

**RULING**

The two accused persons are charged before this court with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the charge are that on the night of 28<sup>th</sup> and 29<sup>th</sup> day of September, 2014 at Kimana Oloile village the accused persons murdered Namunyak Meele.

In order to prove the offence of murder the prosecution called a total of thirteen witnesses. At the close of prosecution case the court is mandated by law under section 306 (1) to make a finding on a no case to answer.

I have evaluated the evidence as placed before this court which included the medical evidence, the government analyst, the scenes of crime officer, the investigating officer and the testimony of PW1, PW2, PW4, PW5, PW6, PW7 and PW8 who were acquainted with the deceased person.

From the evidence I am satisfied that the prosecution has presented sufficient evidence to warrant each of the accused to be placed on his defence. I reserve the reasons at this stage. Section 306 (2) of the CPC read and explained to each of the accused person who elects to state as follows:

**Dated, signed and delivered in open court at Kajiado on 30/1/2017.**

.....

**R. NYAKUNDI**

**JUDGE**

**Representation:**

Accused persons present

Mr. Sekento for the 1<sup>st</sup> accused person

Mr. Morara for the 2<sup>nd</sup> accused person

Mr. Alex Akula for Director of Public Prosecutions

Mr. Mateli Court Assistant