

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 68 OF 2012

REPUBLIC.....PROSECUTOR
VERSUS SAMUELWAIHAKA NDUATI.....1ST ACCUSED
FRANCIS MAINA WANYUMBA2ND ACCUSED
ISAAC WAKUGO MOROTI...3RD ACCUSED

RULING

1. Samuel Waithaka Nduati, Francis Maina Wanyumba and Isaac Wakugo Moroti (1st, 2nd and 3rd accused respectively) are facing trial for the murder of one Peter Gatura Kang’ethe. The particulars of the charge are that on 31st July 2012 at Gatundu township within Kiambu County murdered Peter Gatura Kang’ethe.

2. The prosecution presented 13 witnesses whose testimony is now on record. At the close of the prosecution case, the court directed both the prosecution and defence counsel to file submissions by 24th November 2016. Time was extended for the defence to 26th January 2017. By that date however, the defence had not filed any submissions.

3. I have carefully considered the evidence now on record and the written submissions of the prosecution filed on 24th November 2016. I find from the totality of the evidence that the prosecution has established a *prima facie* case against each accused person. Each shall make his defence in accordance with Section 316 of the Criminal Procedure Code.

Orders accordingly.

Ruling, dated and delivered at Nairobi this 30th day of January, 2017

R. LAGAT-KORIR

JUDGE

In the presence of:

.....: Court clerk

1st, 2nd, 3rd accused present

.....: For 1st Accused

.....: For 2nd Accused

.....: For 3rd Accused

.....: For the State