

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT ELDORET

CRIMINAL CASE NO. 39 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

MONICA IMONI KARUBE.....ACCUSED

RULING

1. The accused is charged with *murder* contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that on 21st May 2012 at *Burnt Forest* trading centre, Uasin Gishu District of the Rift Valley Province, she murdered *Daniel Mbugua Githinji*.
3. She pleaded *not guilty*. The prosecution called *eight* witnesses. The accused is the *widow* of the deceased. I have considered the *direct* and *circumstantial* evidence surrounding the homicide in this case. PW1 testified of the turbulent relationship between the accused and the deceased. They had cohabited for only three months. There was evidence of a *struggle* outside their house before the deceased was stabbed and died.
4. I have in particular paid close attention to the evidence of PW1, PW2, PW3, PW4, PW7 (the pathologist) and PW8. I have also taken into account the written submissions by the learned Prosecution Counsel filed on 13th March 2017. The learned defence counsel elected *not* to make submissions at this stage.
5. On the summation of the evidence of the *eight* witnesses; and, on the authorities of *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949), I am persuaded that the Republic has established a *prima facie* case.
6. Accordingly, under the provisions of section 306 (2) of the Criminal Procedure Code, I now put the accused on her *defence*.

It is so ordered.

DATED, SIGNED and DELIVERED at ELDORET this 25th day of April 2017.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Ms. Mumu for the Republic.

Mr. J. Kemboi, Court Clerk.