

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CRIMINAL CASE. NO. 90 OF 2012

REPUBLICPROSECUTION

VERSUS

GILBERT KAPULE OKETCHACCUSED

RULING

1. *Gilbert Kapue Oketch* is charged with the murder of *Caroline Mwanza Mutunga*. The offence is said to have been committed on 2nd February, 2012 at Umoja Innercore Plot A67 House No. 18 within Nairobi County. He was arraigned in court on 14th November, 2012 when he pleaded not guilty.

2. The Prosecution has called 11 witnesses in support of its case. The evidence given by *PW1*, *PW2*, *PW3* and *PW4* is that the accused and the deceased were in an intimate relationship and cohabited in Umoja Innercore Estate. *PW2* and *PW4* became aware of disagreements between the accused and deceased and had intervened twice before. The body of the deceased was found in their house on the material date. *PW5* found the cause of death to be manual strangulation and also observed that the deceased had extensive burns on the cheek, chest and bruises on the body. *PW7* gave evidence that the accused was arrested at the Kenya/Uganda border at Malaba on 31st October, 2012.

3. At the close of the Prosecution case, both the prosecution and the defence filed submissions.

4. I have carefully considered the evidence on record and the submissions by counsel. The evidence discloses a prima facie case against the accused. I find that he has a case to answer and consequently put him on his defence in accordance with *Section 306* of the *Criminal Procedure Code*.

Orders accordingly

Ruling *delivered, dated* and *signed* at *Nairobi* this *19th* day of *June* 2017

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R LAGAT-KORIR

HIGH COURT JUDGE

In the presence of:

Yussuf: Court clerk

Gilbert Kapule Oketch: The accused

.....:For the accused

.....: For the State