

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE. NO. 93 OF 2012

REPUBLIC.....PROSECUTION

VERSUS

JOHN THUO.....ACCUSED

RULING

1. The accused **John Thuo** is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that on the 5th day of October, 2012 at Ngong Township in Kajiado North District within Kajiado County jointly with another not before court murdered **Joel Githinji Njenga**.

2. Nine witnesses have testified for the prosecution. It is their testimony that the deceased was assaulted by the accused and one **Kariuki** upon disagreement over money previously advanced to the deceased and over work. All three worked in the matatu industry. The deceased slipped into a coma after 2 days and later died while awaiting surgery at the Kenyatta National Hospital. He was found to have died of head injury.

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

4. I have carefully considered the prosecution evidence now on record. I have also considered the submissions. I find that a *prima facie* case has been established against the accused. He shall make 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

.....

R LAGAT-KORIR

HIGH COURT JUDGE

In the presence of:

Yussuf: Court clerk

John Thuo: The accused

.....: For the accused

.....: For the State