

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO 79 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

FRANK WAMBUA KALILI.....ACCUSED

R U L I N G

1. **Frank Wambua Kalili**, hereinafter “**The Accused**” is charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code (Cap.63), Laws of Kenya**. Particulars being that on the **21st day of June, 2011** at around **11.00pm** at **Mitila village, Kyangunga Sub-Location, Mulango Location** in **Kitui District** within **Kitui County** murdered **MUTHUI MAUNDU** (deceased).

2. Facts are that the deceased was found in a hole burning at the homestead of the Accused. An explanation was given by the Accused that he was **attacked**. Evidence pointed at him as the perpetrator of the Act that resulted into the death of the deceased that was confirmed by the doctor who performed the autopsy.

3. At the close of the prosecution’s case a **prima facie** case was established that require the Accused to be called upon to defend himself pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code** which I hereby do.

4. It is so ordered.

5. **Dated, Signed and Delivered** at **Kitui** this **31st** day of **October 2017**.

L. N. MUTENDE

JUDGE