



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MURANG'A**  
**CRIMINAL CASE NO 36 OF 2012**

*(Formerly Nyeri High Court Criminal Case No.40 of 2010)*

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**FRANCIS KIRUGU MWANGI.....ACCUSED**

**R U L I N G**

1. The Accused in this case, **Francis Kirugu Mwangi**, is charged with **murder** contrary to **section 203** as read with **section 204** of the **Penal Code**. It is alleged in the information dated 28/10/2010 that in the night of 16<sup>th</sup> and 17<sup>th</sup> October 2010 at **Nguthuru Village in Murang'a County** he murdered one **Stephen Maina Mwangi**. He pleaded not guilty.
2. The Accused's trial commenced on 30/09/2013 before Ngaah, J who took the evidence of five prosecution witnesses. I succeeded Ngaah, J at this station and took the evidence of the last prosecution witness, PW6. The prosecution then closed their case. Both the prosecution and defence counsels did not make any submissions upon close of prosecution case.
3. I am alive to the provisions of **section 306** of the **Criminal Procedure Code, Cap 75**. I have read through the testimonies of the six prosecution witnesses. I have also read the post-mortem report (**Exhibit P4**) produced by PW6. I consider that there is evidence that the Accused person committed the offence charged. I therefore hereby inform him of his right to address the court, either personally or by his advocate; to give evidence on his own behalf, or to make an unsworn statement; and to call witnesses in his defence. I now require the Accused or his advocate to state whether it is intended to call any witnesses as to fact other than the Accused himself.

**DATED AND SIGNED AT MURANG'A THIS 25<sup>TH</sup> DAY OF FEBRUARY 2016**

**H.P.G. WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 26<sup>TH</sup> DAY OF FEBRUARY 2016**