

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 31 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

ESTHER MUNYASIA MUTUA.....ACCUSED

R U L I N G

1. **Esther Munyasia Mutua**, 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 of the offence are that on the **1st** day of **June, 2011** at **Ukati Village, Ngungi Sub-location, Mui Location** of **Mwingi District** within the **Kitui County** she unlawfully killed **Kyende Mutua** (Deceased).
2. At the close of the Prosecution's case, it was established that the Deceased, a brother to the Accused went to her house and started harassing her. She retaliated by hitting him with a piece of wood. He fell down and became unconscious. She reported the matter to the police who investigated and charged her with the offence.
3. Since the Accused person claimed to have acted in self defence, it will be imperative for her to render an explanation of what transpired in her defence. Accordingly she is put on her defence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code**.
4. It is so ordered.

Dated, Signed and Delivered at Kitui this 16th day of March, 2016.

L. N. MUTENDE

JUDGE