

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 39 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

PETER KINYAMASYO ISIKA.....ACCUSED

R U L I N G

1. Peter Kinyamasyo Isika, 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 dates between the **14th** and **15th** day of **July, 2013** at **Yatta B2 Village, Kilawa Sub-location, Athi Location**, in **Ikutha District** within **Kitui County** murdered **Muthini Mwambu** (deceased).

2. Facts of the case are that on the **14th July, 2013**, the Deceased left home at about **3.00 p.m.** going to the home of the Accused allegedly taking shoes to be repaired. The following morning her body was found inside the Accused's house with multiple stab wounds. The Accused was inside the house. Investigations carried out culminated into the Accused being arrested and charged.

3. A knife suspected to be a murder weapon was found inside the house. It was moderately stained with human blood which on examination turned out to match that of the Deceased.

4. Further evidence adduced disclosed that the Accused and the Deceased had a love-relationship. This being the case it will be imperative for the Accused to give an explanation of what happened that resulted into the death of the Deceased.

5. Consequently at the close of the Prosecution's case evidence adduced is sufficient to have the Accused placed on his defence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code**.

6. It is so ordered.

Dated, Signed and Delivered at Kitui this 20th day of July, 2016.

L. N. MUTENDE