

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL MURDER CASE 13 OF 2013

REPUBLIC..... APPELLANT

VERSUS

JOHN MAINA MUTHONI.....RESPONDENT

1. The accused John Maina Muthoni was charged with the offense of **Murder Contrary to Section 203 as read with Section 204 of the Penal Code**. The particulars are that on the night of 22nd December 2 at Memo village Kinangop Location in Nyandarua South District within Nyandarua County, jointly with others before the court murdered Josephine Muthoni Mwangi. He pleaded not guilty to the offense.
2. The prosecution called seven(7) witnesses. I e considered the said evidence. Upon close of the prosecution case both parties agreed to file written submissions on whether or not the prosecution established a case to warrant him being called upon to defend himself under the Provisions **Section 210 of the Criminal Procedure Code**. None filed such submissions. The prosecution asked the court to make a decision from the evidence on record.
3. I have carefully considered the evidence of the seven prosecution witnesses. I find sufficient and credible evidence that a case been made out to require the accused person to be put one fence as stated in section **211 (1) of the Criminal Procedure Code** .

Order accordingly.

Dated, signed and delivered in court this 16th day of November 2016.

JANET MULWA

JUDGE