

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 19 OF 2013

REPUBLIC STATE

VERSUS

NANCY CHEPKOECH MUTAI.....ACCUSED

RULING

The accused herein **NANCY CHEPKOECH MUTAI** faces a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The accused was first arraigned in court on 21/2/2013. From that date to 15/12/2016 a period of over three (3) years due to various reasons not even a single witness has testified in the matter. All the while the accused had been languishing in custody. The Constitution of Kenya guarantees to an accused person the right to have their trial concluded without undue delay.

In this case the delay has been excessive such as would prejudice the fair trial rights of the accused. The prosecution eventually closed their case without evidence of any witness. Clearly no prima facie case had been established. I enter a verdict of **‘Not Guilty’** and I acquit the accused of this charge of murder. The accused is to be set at liberty forthwith unless she is otherwise lawfully held.

Dated in Nakuru this 19th day of December, 2016

Ms Obutu holding brief for Kerubo

Mr Motende for State

Maureen A. Odera

Judge