



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL CASE NO.43 OF 2012**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOSEPH KALABA KIDAKI.....ACCUSED**

**RULING**

**Joseph Kalaba Kidaki** is charged with the murder of one **Alfred Joshua Mahindu**. It is alleged that he committed the offence on 1<sup>st</sup> June, 2012 at Nyaga Sub-location, Githunguri District, within Kiambu County. The prosecution has presented a total of nine witnesses.

PW4 testified to having heard a quarrel between the accused and the deceased inside their house and having witnessed the accused walk away while stating that he “must kill someone”. According to her evidence, the two were the only persons inside their house. PW1 testified that he was informed that his brother had been killed in his residence and on going there, he found the deceased’s body lying on the ground with multiple injuries on his face and lips. PW3, PC Benard Odongo testified that on 1<sup>st</sup> of June 2012 while on duty at Githunguri Police Station, the accused person made a report that he had been assaulted. He however learnt from his colleagues that the accused was a suspect and detained him pending investigations. Photographs of the deceased and the scene were produced by the scene of crimes officer who testified as PW6. PW7 performed a post mortem on the deceased and formed the opinion that the cause of death was head injury due to blunt force trauma.

From my analysis of the prosecution evidence outlined above, I have come to the finding that the prosecution has established a *prima facie* case against the accused person. He therefore has a case to answer and is accordingly placed on his defence.

Orders accordingly.

**Ruling delivered, dated and signed at Nairobi this 29th day of January, 2015**

**L.LANGAT .KORIR**

**JUDGE**

In the presence of:

.....: Court clerk

.....: Accused

.....: For the accused

.....: For the state