



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.79 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

ALBERT NJIRU1ST ACCUSED

ELIJAH KIMOI.....2ND ACCUSED

JOB JAMES WERU3RD ACCUSED

DANIEL PAKAR MATUNGE4TH ACCUSED

STEPHEN ARIKA5TH ACCUSED

KENNEDY OMINDE6TH ACCUSED

RULING

The six accused persons namely **Albert Njiru, Elijah Kimoi, Job James Weru, Daniel Pakar Matunge, Stephen Arika** and **Kennedy Ominde** are charged with murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence is that on 14th January 2011 along Slaughter earth road at Ruaka area Gigiri within Nairobi County they murdered Stephen Gichuhi Njoroge.

The prosecution has called a total of 11 witnesses. The summary of the prosecution case which has emerged from the witnesses statements and testimonies is that the deceased and four others were driving home on the night of 14th January 2011 when they encountered the accused persons. The accused persons signaled them to stop and opened fire killing the deceased instantly. The testimony of both the civilian witnesses and the expert witnesses have linked the fatal shooting of the deceased to the accused persons who were on duty as police officers.

I have carefully considered the evidence now on record. I find each accused person has a case to answer. Each one of them is put on his defence.

Orders accordingly.

Ruling delivered, and signed at Nairobi this 24th day of February, 2015.

R. LAGAT – KORIR

JUDGE

In the presence of:-

1st, 2nd, 3rd, 4th and 5th Accused

.....: Court clerk

.....: For the 1st accused

.....: For the 2nd accused

.....: For the 3rd accused

.....: For the 4th accused

.....: For the 5th accused

.....: For the 6th accused

.....: For the State