



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KITUI**  
**CRIMINAL CASE NO. 47 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MESHACK NGOVI MUTAVI.....ACCUSED**

**R U L I N G**

**1. Meshack Ngovi Mutavi**, hereinafter “*the accused*” is charged with the offence of **murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code**. The particulars of the offence are that on the 19<sup>th</sup> day of September, 2015 at about 22.00 hours at **Kavukuni** Village, **Utaati** Sub-location, **Ukia** Location of **Kaiti** Division, **Makueni** District within **Makueni** County murdered **Job Maveke Kituku** aged 51 years.

2. At the close of the prosecution case the fact of death was proved by evidence of a post-mortem conducted on the deceased. He died as a result of internal bleeding and skull fracture that was sustained as a result of blunt trauma to the head.

3. Evidence adduced though circumstantial in nature, points at the accused as the perpetrator of the offence. In the premises, I find a *prima facie* case having been established requiring the accused being put on his defence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code** .

4. It is ordered.

**DATED, SIGNED and DELIVERED** at **MACHAKOS** this 21<sup>ST</sup> day of **APRIL, 2015**.

**L.N. MUTENDE**

**JUDGE**