

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

CRIMINAL CASE NO. 32 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

CHRISTINE AKINYI MASHERE.....ACCUSED

RULING

It is the duty of this court to determine at this stage of the trial whether a prima facie case has been established by the prosecution against Christine Akinyi Mashere, the accused person, to require this court to put her on her defence. The accused person faces a murder charge contrary to section 203 read with section 204 of the Penal Code. It is alleged that the accused person with others not before the court murdered Margaret Njeri Njoroge, the deceased, on the night of 23rd and 24th December 2012 at Githurai 45 within Nairobi County. Nine (9) witnesses have testified in support of the prosecution case.

I have considered the evidence on record and without going into the details of what each witness stated it is my view that the prosecution evidence is sufficient enough for this court to make a conclusion that a prima facie case has been established against the accused at this stage. Consequently, I will and do hereby put her on her defence.

Section 306 (2) of the Criminal Procedure Code requires that this court informs the accused person of her rights under that section. She is hereby informed of her right to address this court in the manner she wishes to defend herself either by giving a sworn statement in which case she will be cross examined by the prosecution counsel or giving evidence without taking oath. She is also informed of her right to call witnesses in her defence and to inform the court of the same. Orders are made accordingly.

Dated, signed and delivered this 20th day of May 2015.

S.N. Mutuku

Judge