

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 4 OF 2013

REPUBLICPROSECUTOR

VERSUS

PHARIS KABAIKU MBUTHIA.....ACCUSED

RULING

Pharis Kabaiku Mbuthia, the accused is charged with murdering Mary Kathambi Koome contrary to section 203 read with section 204 of the Penal Code. The offence is alleged to have been committed on 5th January 2013 at KCC Village in Nairobi within Nairobi County. At the closure of the case by the prosecution it is the duty of this court to determine whether the accused person has a case to answer or not.

I have carefully examined and analyzed all the evidence of the ten (10) prosecution witnesses who have testified in support of the prosecution case. I am satisfied that the evidence is sufficient enough to support a prima facie case against the accused. I will proceed to put him on his defence. I hereby inform him of his rights under section 306 (2) of the Criminal Procedure Code that he has a right to address the court and inform the court of the manner he wishes to defend himself. He is also informed of his right to call witnesses in his defence and to inform this court so. I make orders accordingly.

Dated, signed and delivered this 24th day of June 2015.

S.N. MUTUKU

JUDGE