



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 22 OF 2012**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ALEX WENUA CHITUNO alias FRED MASIKA SHISONI.....ACCUSED**

**RULING**

The accused **Alex Wenua Chituno** alias **Fred Masika Shinoni** is charged with murder contrary to section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on 12<sup>th</sup> December 2012 at around 0100 hrs. at Kagwe Location, Lari District, Kiambu County murdered **Moses Wanzusi Kibetti**. The prosecution's case against the accused is that he was one of the thugs who attacked and violently robbed the deceased and his family on the fateful night and in the course of the robbery fatally stabbed the deceased. The deceased's wife PW1 testified that she recognized the voice of the accused and later identified him in an identification parade. PW2 testified to having known both the accused and the deceased and recognized the blood stained shirt (Exh.1) as belonging to the accused. 6 other witnesses testified in support of the prosecution case.

Other than the evidence on record both the prosecution and the defence tendered submissions which I have considered. After carefully considering the evidence on record and the submissions aforesaid, I have come to the finding that the prosecution has established a *prima facie* case against the accused Alex Wenua Chituno alias Fred Masika Shisoni. He is at liberty to take up one of the options under Section 306 of Criminal Procedure code.

Orders accordingly.

**Ruling delivered and dated at Nairobi this 27th day of July, 2015**

**R. LAGAT - KORIR**

**JUDGE**

In the presence of:

- .....: Court clerk
- .....: Accused
- .....: For the accused
- .....: For the State