



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL CASE NO. 40 OF 2010**

**REPUBLIC.....PROSECUTOR**

**-VERSUS -**

**ESTHER WANJIKU GITARI.....1<sup>ST</sup> ACCUSED**

**PETER MBURU KINUTHIA.....2<sup>ND</sup> ACCUSED**

**RULING**

1. The two accused persons are charged with murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.
2. I have considered the entire evidence adduced by the prosecution in support of its case against the two accused persons. I find that the prosecution has failed to establish a prima facie case against the 1<sup>st</sup> accused person. I will acquit her at this stage for reasons to be given in judgment.
3. The 2<sup>nd</sup> accused has a case too answer and I place him on his defence.

**Dated 23<sup>rd</sup> day of July, 2015.**

**LESIIT, J**

**JUDGE**