



**REPUBLIC OF KENYA**

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

**SITTING AT KITUI**

**CRIMINAL CASE NO 48 OF 2013**

**REPUBLIC.....STATE COUNSEL**

**VERSUS**

**KENNEDY MANZI MUEMA.....ACCUSED**

**R U L I N G**

1. **Kennedy Manzi Mwema**, the accused, is charged with the offence of **Murder contrary to Section 203** as read with **Section 204 of the Penal Code (Cap.63)**, Laws of Kenya. Particulars of the offence being that **on the night of 20<sup>th</sup> and 21<sup>st</sup> day of September,2013 at unknown time at Mikuyuni Sub-Location in Kwa Vonza Location within Kitui County ,jointly with others not before court murdered JAMES KAKUTI MBUVI.**
2. The body of the deceased was found hanging from the roof of his house. Inside the room was an open metal box with papers scattered all over the floor. The accused, **his grandson**, who lived with him, was at large. He did not attend his funeral.
3. In the course of investigations, the accused was **found in possession of a title deed** that was believed to have **gone missing** from the documents that the deceased possessed. He was also suspected to have **stolen money** belonging to the deceased. He was arrested and charged.
4. The autopsy conducted on the body of the deceased revealed that he died as a result of **Cardio-pulmonary collapse due to asphyxia secondary to hanging.**
5. At the conclusion of the prosecution's case it was established that the house in which the deceased was found was **locked with a padlock from outside**. The keys were however inside the house on the table.
6. The circumstantial evidence adduced points to the accused as one of the persons who may have committed the act that caused the death of the deceased. In the premises he is required to address the court in his defence pursuant to the provisions of section **306(2) of the CPC.**
7. It is so ordered.

**DATED, SIGNED and DELIVERED at KITUI this 22<sup>ND</sup> day of**

**July, 2015.**

**L. N. MUTENDE**

**JUDGE**