



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 16 OF 2011**

REPUBLIC.....PROSECUTOR

VERSUS

MURIAN KENGANYA MAKURI.....ACCUSED

**RULING**

Murian Kenganya Makuri, referred to in this ruling as the accused, is charged with murder contrary to section 203 read with section 204 of the Penal Code. The particulars of the offence state that on 22<sup>nd</sup> January 2011 at Babadogo in Nairobi he murdered Chacha Marwa. He is represented by Mr. Anambo, advocate.

The prosecution called nine witnesses in support of their case. From the evidence tendered in court, the deceased and the accused lived in the same plot in Babadogo Nairobi. On 22<sup>nd</sup> January 2011 around 1.00pm the deceased sought to know from the accused why the accused had assaulted his (deceased's) wife. This led to a disagreement between the two with the accused insulting the deceased. The accused threatened to beat both the deceased and his wife. He entered his house, picked a knife and a stool and returned to the house of the deceased. The neighbours cautioned the deceased and advised him to get into his house and lock himself and his wife inside. The accused hit the door of deceased's house and broke the door. He attacked the deceased and stabbed him on his stomach and left arm. The accused then went to Ruaraka Police Station carrying the bloodstained knife and wooden plank. He handed the knife to the police and reported that he had stabbed someone.

The deceased died later that day while undergoing treatment at Kiambu District Hospital. The accused was charged with this offence.

At this stage this court is required to determine whether the prosecution has established a prima facie case to necessitate the accused being put on his defence. I have considered the evidence so far tendered and I am persuaded that the prosecution has established a case against the accused at this stage of the trial. He has a case to answer. Consequently, I will and do hereby put him on his defence. I make orders accordingly.

**Dated, signed and delivered in open court this 23<sup>rd</sup> day of September 2015.**

**S.N MUTUKU**

**JUDGE**