



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL CASE NO. 6 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

ALICE MAGUNYI WAWERU.....1ST ACCUSED

CHRISTINE NGENDO WAWERU.....2ND ACCUSED

AGNES NYAMBURA WAWERU.....3RD ACCUSED

RULING

1. On 6th January 2013, Francis Waweru Mutua (the deceased) met his death in his house at Ngando, Dagoretti. His wife Lucy Njeri Waweru (now deceased) raised an alarm that thugs had broken into the home and killed the deceased. The police who responded to the alarm found no sign of break in. They suspected foul play within the family. After due investigations, Lucy Njeri Waweru and the couple’s three daughters now the 1st, 2nd and 3rd accused were charged with the murder contrary to section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on 6th January 2013 while in Ngando Area Dagoretti Division within Nairobi County jointly murdered Francis Waweru Mutua.
2. A total of 13 witnesses have testified in support of the prosecution case. PW1 – PW5 testified that the relationship between the deceased and the accused had broken down due to quarrels over property and the treatment of Lucy Njeri Waweru (now deceased). The pathologist (PW7) testified that the deceased died of multiple skull and rib fractures due to blunt force trauma. A metal pipe said to be the murder weapon, was recovered from the 4th accused’s bedroom.
3. I have considered the evidence now on record. I have also considered the submissions tendered by the prosecution and the defence. It is my finding that the prosecution has established a prima facie case against all 3 accused persons. Each is required to make her defence in accordance with Section 306 of the Criminal Procedure Code.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 30th day of November, 2015

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk
.....: 1st Accused
.....: 2nd Accused
.....: 3rd Accused
.....: For the 3 accused
.....: For the State