

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

CRIMINAL CASES NO.65 OF 2015

REPUBLIC..... STATE

-VERSUS-

JANET KERUBO NYAKUNDIACCUSED

RULING ON NO CASE TO ANSWER

I have read the proceedings and the evidence of the six (6) witnesses who testified in this case.

A four year old child, then schooling at [Particulars Withheld] Academy, in Nyamira County went missing on 3rd April 2012 . Frantic efforts to locate the child by the mother and others was fruitless. He was called **E O N**. It then transpired that one **Janet Kerubo Nyakundi** had abducted the child from school, put him on the boda boda and conveyed him to another [particulars withheld] in tea plantation and strangled him and hid the body.

She, **Janet Kerubo Nyakundi**, admitted to that crime. She was a mistress to the father of **E O N, J N M**. Upon being jilted she vowed to avenge.

P.W2, the mother, **B N N** and P.W.4, P.W.5 and P.W.6, the investigating officer, their testimonies point to **Janet Kerubo Nyakundi**.

I have carefully analyzed, evaluated and considered the entire evidence by the above mentioned witnesses, I am satisfied that the prosecution has made out sufficient case to warrant the accused person to be placed on her defence.

Accordingly, therefore, I hereby place the accused person, **Janet Kerubo Nyakundi** on her own defence and call upon her to state her case as provided under the **Provisions Section 211 of the Criminal Procedure Code**.

It is so ordered.

Dated and delivered at Nyamira this 24th day of November 2015.

C.B.NAGILLA

JUDGE

In the presence of

Nyasimi (**absent**) for the accused person

Malesi for the State

Mercy Court Clerk