

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 1 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

FRED KEBASI MOSIOMA.....ACCUSED

RULING

1. The accused Fred Kebasi Mosioma is charged with murder contrary to section 23 as read with Section 204 of the Penal Code. The particulars are that on the 26th day of December 2012 at Kaloleni Estate, Makadara District within Nairobi County murdered Jacinta Ngina.

2. The prosecution's case is that the accused was responsible for the death of the deceased as he was the last person seen with her alive. The accused and the deceased cohabited in a one roomed house in Kaloleni Nairobi. On 26th both the deceased and the accused were seen entering their room albeit at different times. Shortly thereafter, the neighbours PW1, PW2, PW3 and PW4 heard a scuffle and screams from the couple's house. In the course of the evening the accused was seen outside his house. The deceased was not seen outside the house from the time she first entered at around 11.00a.m. The body of the deceased was discovered by the roadside near the accused's residence the following day. PW3 testified to having seen a man carrying a woman on his back the previous evening. The man wore black and white sports shoes while the woman was covered with a bed sheet. Both the shoes and the bed sheet were recovered by PW10 from the accused's house.

3. Having carefully considered the evidence now on record and the submissions tendered by both parties at the close of the prosecution's case, I find that the accused has a case to answer. He shall elect how to proceed with his 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

.....: Accused

.....: For the Accused

.....: For the State