

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 9 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

JARED RIOBA OIGO.....1ST ACCUSED

PETER KAIGAI NDUNGU.....2ND ACCUSED

RULING

The accused, **Jared Rioba Oigo** and **Peter Kaigai Ndungu** are facing trial for the murder of **Pius Makhatshe Ko'nzolo** They are alleged to have committed the offence on 14th December 2011 at **Lavington Nairobi within Nairobi County**. They denied the charge when arraigned in court on 23rd January 2012.

The prosecution has called a total of 11 witnesses. At the close of the prosecution's case both the prosecution and the defence filed written submissions which they subsequently highlighted.

The prosecution has urged the court to find that each accused has a case to answer. It has filed extensive submissions analyzing the evidence as presented in court through the prosecution witnesses. It is the prosecution's submission that the circumstantial evidence tendered by the witnesses and the doctrine of recent possession supports its case against the accused. The defence on its part has filed submissions urging the court to acquit the accused for want of sufficient evidence. It is their submission that the prosecution's case is build on mere suspicion.

Having carefully considered and analysed all the evidence on record as well as the submissions made by both the prosecution and the defence, I find that the prosecution has established a *prima facie* case to warrant putting the accused on their defence. I find the accused Jared Rioba Oigo and Peter Kaigai Ndungu have a case to answer. I require each to make their defence as per **Section 306 of the Criminal Procedure Code**.

Ruling delivered at Nairobi this 27th day of February, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk

Jared Rioba Oigo : 1st Accused

Peter Kaigai Ko'nzolo : 2nd Accused

.....: For the Accused

.....: For the State