

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 38 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

PATRICK MUTUA MADUME ALIAS PATY.....ACCUSED

RULING

The accused, **Patrick Mutua Madume alias Paty** is facing trial for the murder of **Joseph Gathinji Kagai**. He is alleged to have committed the offence on 25th day of March, 2011 at **Dandora Phase Two Estate** in **Njiru District** within **Nairobi Area County**. He denied the charge when arraigned in court on 12th May, 2011.

The prosecution has called a total of 8 witnesses. At the close of the prosecution's case both the prosecution and the defence filed written submissions which they subsequently highlighted. The gist of the prosecution case from the evidence now on record is that the accused was seen stabbing the deceased who later succumbed to the injuries. Witnesses have testified of an ongoing conflict between the accused and the deceased which is said to have resulted in the fatal stab.

Having carefully analysed the evidence now on record, I find that the prosecution has established a *prima facie* case to warrant putting the accused on his defence. I find **Patrick Mutua Madume alias Paty** has a case to answer. I require him to make his defence as per **Section 306 of the Criminal Procedure Code**.

Ruling delivered and dated at Nairobi this 23rd day of June, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk
..... : Accused
.....: For the Accused
.....: For the State