

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.71 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JONATHAN LEMISO OLEKINI.....ACCUSED

RULING

The accused, **Jonathan Lemiso Olekini** is charged with murder contrary to section 203 as read with Section 204 of the Penal Code. The particulars of the charge are that on 25th June 2013 at **Maasai Village in Embakasi Area** within **Nairobi County** murdered **Simon Koli**. He denied the charge when arraigned in court on 4th July 2013 and was remanded in custody.

The prosecution has called a total of 14 witnesses. The totality of the testimony points to the accused having been at the scene of murder on the material date. PW1 testified to having received the accused in his home on the night of 25th June 2013 and escorted him to his (PW1) mother's house at about 11p.m. where he called out the deceased. It is the evidence of PW1 that he saw the accused pull out his gun and shoot the deceased as he emerged from PW2's house; and, that upon the deceased falling down, the accused with the assistance of two others who were in the accused's car, picked him up, put him in the car and drove off to unknown destination.

PW5, a Surgeon at Kijabe hospital testified to having tried to save the deceased's life in vain. The ballistic Examiner (PW9) testified that the spent cartridge found at the scene was fired from Jericho pistol Serial No. 32308727 which PW8 confirmed had been issued to the accused. The cause of death as stated by PW13 was a gunshot wound.

From my analysis of the evidence above, I find that the prosecution has established a *prima facie* case to warrant putting the accused on his defence. I find **Jonathan Lemiso Olekini** 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 7th day of August, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

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