

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 5 OF 2012

REPUBLICPROSECUTOR

VERSUS

JOSEPH WANJOHI NDUNG’U.....1ST ACCUSED

NAFTALI MWAICA LIMBOLO.....2ND ACCUSED

STEPHEN MUCHOI LIMUKI ALIAS ASKOFU.....3RD ACCUSED

RULING

1. **John Wanjohi, Naftali Mwaika Limbolo and Stephen Muchai** hereinafter “the accuseds” are charged with murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.The particulars being that on the **12th** day of **January 2012** at **Bisiil Trading Centre in Kajiado District** within **Kajiado County** jointly murdered **Joshua Nkuruna**.
2. At the conclusion of the prosecution’s case it was proved that the deceased died of an injury inflicted upon his person. The cut wound on the neck severed the jugular vein which resulted into severe bleeding, hence his death.
3. Evidence adduced by PW6 and PW10 points at the accused persons as perpetrators of the offence which would require them to give an explanation of what happened.
4. Consequently, a *prima facie* case has been established against all the three accuseds requiring them to be put on their defence in accordance with **Section 306 (2)** of the **Criminal Procedure Code**.
5. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 22TH day of SEPTEMBER, 2014.

L.N. MUTENDE

JUDGE