

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 71 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

SIMON MBUGUA NJUGUNAACCUSED

RULING

The accused, **Simon Mbugua Njuguna** 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 7th May 2009 at **Kiwanja Village**, in **Kasarani Division**, within **Nairobi County** murdered **Gilbert Nyaga Njue**. He denied the charge when arraigned in court on 26th September, 2011 and was remanded in custody.

The prosecution has called a total of 6 witnesses. The totality of the prosecution testimony points to the accused having been at the scene of murder on the material date. PW1 Samuel Kinungi Njenga testified to having heard screams and on approaching the scene he heard the voice of the accused who is his uncle and who together with others were assaulting the deceased. PW5 conducted a post mortem on the deceased and confirmed that he died as a result of multiple injuries due to blunt force trauma. His evidence is consistent with the testimony of PW1 and PW4 who testified that the deceased had sustained multiple visible injuries. At the close of the prosecution case both prosecution and the defence filed submissions which I have carefully considered along with the prosecution evidence on record.

From my analysis of the evidence on record as outlined above, I find that the prosecution has established a *prima facie* case to warrant putting the accused on his defence. I find **Simon Mbugua Njuguna** 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 18th day of September, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

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