



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**CRIMINAL CASE NO. 4 OF 2010**

REPUBLIC .....PROSECUTOR

VERSUS

VERONICA WANJUE NJUE .....1<sup>ST</sup> ACCUSED

STEPHEN NJERU JERITHA .....2<sup>ND</sup> ACCUSED

**R U L I N G**

Both accused persons are charged with the offence of Murder contrary to section 203 as read with section 204 of the Penal Code. A total of twenty four (24) witnesses were called by the Prosecution. The Prosecution has relied on circumstantial evidence. And after assessing all the evidence I do find that the only evidence touching on Accused 2 is that of PW11 who said he saw Accused 2 at their home that night. The circumstances of his identification are not clear. It's not shown whether PW11 knew him prior to this incident or not. If he (Accused 2) were to elect to keep quiet in his defence this Court would not have sufficient evidence to convict him. I therefore acquit him under section 306(1) of the Criminal Procedure Code. I however find a prima facie case established against Accused 1 who I hereby place on her defence under section 306(2) Criminal Procedure Code.

**DATED, SIGNED AND DELIVERED AT EMBU IN OPEN COURT THIS 8<sup>TH</sup> DAY OF AUGUST 2013.**

**H.I. ONG'UDI**

**J U D G E**

In the presence of;

Ingahizu for State

M/s Njeru for accused persons

Kirong – C/c

Both Accused persons