



**REPUBLIC OF KENYA**

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

**MURDER CASE NO. 12 OF 2010**

REPUBLIC.....PROSECUTION

VERSUS

KENNEDY IRERI ALIAS CHUMA.....1ST ACCUSED

STANLEY GITONGA KIVUTI.....2ND ACCUSED

JOHN KARIUKI NJIRU.....3RD ACCUSED

OBADIAH MUGENDI.....4TH ACCUSED

**RULING**

The four accused persons were all charged with the offence of Murder contrary to section 203 as read with Section 204 of the Penal Code. The prosecution called a total of 15 witnesses whose evidence is very clear. PW7 and PW10 were at the scene and have stated what they witnessed. PW8 received a report as an administrator and acted.

I have considered the submissions by all counsels. I am however satisfied that the prosecution has established a *prima facie* case against all the four accused persons who I hereby place on their defence under the provisions of Section 306(2) of the Criminal Penal Code.

**DELIVERED, DATED AND SIGNED AT EMBU THIS 27TH DAY OF SEPTEMBER 2013.**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of:-**

**Ms. Ingahizu for State**

**Mr. Ken Githinji for Mugambi for 1st Accused**

**Mr. Ken Githinji for 2nd Accused**

**Mr. Ken Githinji for Ms. Njeru for 3rd Accused**

**Mr. Ken Githinji for Momanyi for 4th Accused**

**Njue CC**