

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
MILIMANI LAW COURTS
Criminal Case 28 of 2009

REPUBLIC..... PROSECUTOR

VERSUS

EVANS EMBEYWA MANG'ONG'O.....ACCUSED

RULING

The accused, **EVANS EMBEYWA MANG'ONG'O**, is on trial for the offence of murder **contrary to section 203 as read with section 204 of the Penal Code**.

Nine witnesses testified before the prosecution closed its case.

from the evidence adduced it is clear that the victim, **WILTER MATINYA**, had 3 penetrating stab wounds on her back, and a penetrating stab wound on her cheek. The doctor who conducted the post mortem examination on her body concluded that the cause of death was Exsanguination due to multiple stab wounds.

The prosecution case was that the stab wounds were inflicted on the deceased by the accused.

As the accused appears to have been placed at the scene, at the time the offence was committed; and because it appears that he owned-up to the commission of the offence, I find and hold that he has a case to answer. I so find because the prosecution has established a prima facie case against the accused, which could result in a conviction unless the accused puts forward a defence that gave rise to some doubt about his culpability.

Dated, Signed and Delivered at Nairobi, this 26th day of January, 2012.

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FRED A. OCHIENG

JUDGE