



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

CRIMINAL CASE NO. 44 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

NICHOLAS MUTURI CHIANDE..... ACCUSED

RULING

The accused, **NICHOLAS MUTURI CHIANDE**, is on trial for the offence of Murder **contrary to section 203 as read with section 204 of the Penal Code**.

It is the prosecution case that on 2nd May 2008, at Kibera Laini Saba slums within Nairobi, the accused murdered MULE MULI.

The prosecution has called eight (8) witnesses. Through the said witnesses, it has been proved that MULE MULI is deceased.

It has also been shown that the cause of death was internal bleeding due to lacerations to the heart of the deceased. The pathologist attributed the lacerations to stab wounds that penetrated the chest of the deceased.

The prosecution has also led evidence which appears, on a prima facie basis, to place the accused at the scene of crime, at the time when the offence was committed. It would appear that he was not only at the scene, but that he engaged in arguments with the deceased, prior to the deceased sustaining the fatal injuries.

The evidence also suggests that immediately after the deceased had been fatally injured, the accused person was seen carrying the weapon which had probably been used to inflict the injury.

In the event, the prosecution has established a prima facie case against the accused. I therefore find and hold that the accused has a case to answer.

Dated, Signed and Delivered at Nairobi, this 9th day of May, 2012.

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FRED A. OCHIENG

JUDGE