REPUBLIC OF KENYA

High Court at Eldoret

Criminal Case 9 of 2011

REPUBLIC.....PROSECUTOR

VERSUS

MOSES WANJALA NGAIRA.....ACCUSED

RULING:

The Accused was 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 eight (x8) witnesses. It was the evidence of **PW1, PW2** and **PW5** that they found the deceased alive and the deceased named the Accused person " Musungu" as the person who had assaulted him.

I concur with the submissions of Prosecuting Counsel for the State that under the provisions of Section 33 (a) of the Evidence Act a statement made by a deceased person as to the cause of death is admissible as evidence.

The Accused was also arrested by **PW8** with an iron bar and the evidence of **PW7** corroborates the fact that the injuries were severe and caused by blunt object with a sharp edge.

For the reasons stated above this court is satisfied that the prosecution has made out a prima facie and that the Accused has a case to answer and is accordingly called to his defence.

It is so ordered.

DATED and DELIVERED at Eldoret this 17th day of December 2012

A.MSHILA
JUDGE

Coram: Before Hon. A Mshila J
CC: Andrew
Counsel for the State: Ruto

Counsel for the Accused: Mutai holding brief for Koros

Language: Kiswahili
Accused: Present

A.MSHILA

JUDGE