



REPUBLIC OF KENYA
HIGH COURT OF KENYA
AT NAIROBI (MILMANI LAW COURTS)
CRIMINAL CASE 68 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

BERNARD KUNGU KARIUKIACCUSED

R U L I N G

The accused, **BERNARD KUNGU KARIUKI**, was charged with the offence of murder **contrary to section 203 as read with section 204 of the Penal Code.**

The prosecution has called nine witnesses. Through the said witnesses, it has been shown that the Deceased, DENNIS NGANGA was poisoned with DIAZINON, a pesticide, together with TRIATIX, an acaricide.

Traces of the pesticide and the acaricide were found in the liver, stomach and blood of the deceased, when the Government Analyst carried out tests on the samples extracted from his body.

There is evidence which suggests that the accused was responsible for giving to the deceased, the poisonous substance, which the deceased ingested.

In the light of the evidence adduced so far, I find and hold that the prosecution has established a prima facie case against the accused, to warrant his being put to his defence. In effect, I find that the accused has a case to answer.

I so find because if he chose to say nothing in answer to the evidence already tendered in court, it is more probable than not that he would be found to be criminally liable for the death of the deceased.

Dated, Signed and Delivered at Nairobi, this 5th day of April, 2011

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FRED A. OCHIENG

JUDGE