



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**

**CRIMINAL CASE NO. 77 OF 2005**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PATRICK DANIEL.....ACCUSED**

**RULING**

The accused, **PATRICK DANIEL LESADALA**, is on trial for the offence of murder contrary to **section 203** as read with **section 204 of the Penal Code**. The victim of murder was **DIANAH KARAMBU NTHIBA**.

The doctor who conducted the post-mortem examination on the body of the deceased ascertained that the cause of death was a chest injury due to gunshot wounds.

There have been suggestions that the accused was issued with a firearm from the armoury store at the Kamiti Maximum Security Prison.

There are further suggestions that on the material day, the accused surrendered the firearm together with some spent and some live ammunition. The evidence further indicates that the accused owned-up to having killed a lady. The accused is said to have told some of the prosecution witnesses, that the lady he had allegedly killed, was his girlfriend.

Furthermore, the son of the victim testified that he saw the accused shoot the deceased.

From the totality of the evidence already on record, I am satisfied that the prosecution has made out a *prima facie* case against the accused person. If the accused did not say anything in his defence, the evidence already adduced may be sufficient to lead to his conviction. Therefore, I do find and hold that the accused has a case to answer. He is thus put to his defence.

**Dated, Signed and Delivered at Nairobi this 5<sup>th</sup> day of October, 2011**

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**FRED A. OCHIENG**

**JUDGE**