

REPUBLICPROSECUTOR

VERSUS

PHARIS GITHUA MBUGUA ACCUSED

R U L I N G

The accused, **PHARIS GITHUA MBUGUA**, was charged with murder. It is the prosecution case that the accused murdered his father, **AMOS MBUGUA MAU**.

By the time the prosecution closed its case, they had called six (6) witnesses.

An analysis of the said evidence reveals that the cause of the death of Amos Mbugua Mau was an injury to the head. The said injury was caused by a sharp object.

The doctor who conducted the post mortem examination noted that the deceased had a fracture on the right-hand-side of his skull. He also noted that there was hemorrhage on the right part of the brain. The bleeding on the brain was as a result of a laceration to the brain.

From the evidence of **PW 1**, it is the accused who inflicted the injury to the head of the deceased. **PW 1** testified that the accused had used a panga to cut the deceased on the head.

From the testimony of the prosecution witnesses, it appears that everything points at the accused, as the person who inflicted the injury which resulted in the death of the deceased.

It therefore follows that the prosecution has proved a prima facie case, which warrants the accused being put to his defence. In effect, I find and hold that the accused has a case to answer.

Dated, Signed and Delivered at Nairobi, this 22nd day of October, 2009.

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FRED A. OCHIENG

JUDGE