

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL DIVISION
CRIMINAL CASE NO.28 OF 2004

REPUBLIC PROSECUTOR
VERSUS
PETER MBATHU MUTURI alias
PETER MBAGE MUTURI ACCUSED

RULING

The accused in this case is charged that on 8th August, 1999 at Farmer's Corner Limuru Township in Kiambu District, he murdered one Pacifica Kwamboka Manani.

This trial was the fourth retrial since the date of the arrest and charge of the Accused person in August, 1999.

The prosecution had problems with the trial due to unavailability of the witnesses and despite latitude given, under the circumstances of the case, the prosecution had to conclude the prosecution case after only three prosecution witnesses had testified.

From the evidence on record, which I have considered closely, I am satisfied that there is no evidence that the accused Peter Mbathu Muturi has committed the offence of murder of Pacifica Kwamboka and find the Accused person not guilty of the charge of murder as leveled against him and acquit him under Section 306 of the Criminal Procedure code Cap.75.

I thus direct that he be released forthwith unless otherwise held by law.

Dated at Nairobi this 26th day of October, 2004.

K.H. RAWAL
JUDGE