

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI
CRIMINAL CASE NO. 17 OF 2001

REPUBLIC.....APPELLANT

VERSUS

JAMES MURIITHI ACCUSED

PAUL KARIUKI NJAGI ACCUSED

JAMES NJUE NYAGA ACCUSED

CHRISTOPHER MBUGI ACCUSED-DEAD

RULING

From the evidence before me, I do not think I need submissions from the prosecutor and the Defence counsel as it is perfectly clear that there is no evidence adduced proving the charge of murder facing the three accused persons.

The evidence adduced is not only inadequate but it does not also support the charge in the information before me dated 20th November 2000 which alleges that the murder the accused persons committed was committed on 3rd and 4th April 2000.

The evidence adduced is to the effect that that murder was committed on 12th and 13th April 2000.

The above being the position, I find each Accused person not guilty under Section 306(1) of the Criminal Procedure Code and order each Accused released forthwith unless lawfully detained in some other cause.

Dated this 24th day of November 2003.

J.M. KHAMONI

JUDGE