



**Republic v Muriathi (Criminal Case 66 of 2019)
[2025] KEHC 175 (KLR) (Crim) (20 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 175 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE 66 OF 2019
K KIMONDO, J
JANUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOHN KAMAU MURIATHI ACCUSED

RULING

1. The accused is charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The Director of Public Prosecutions informs the High Court that on the 21st July 2019 at Cabanas Stage along Mombasa Road near Rapid Kate Logistics, Embakasi Sub-County within Nairobi County the accused murdered Gidraph Mwangi Maroro.
3. He pleaded not guilty. The prosecution lined up eight witnesses. Seven of them appeared before my predecessor, Ogembo J. On 16th October 2023, and, pursuant to section 200 (3) of the [Criminal Procedure Code](#), the accused elected to proceed from where the matter had reached.
4. I am now called upon to determine whether that corpus of evidence is sufficient to place the accused on his defence.
5. The Republic lodged submissions dated 20th June 2024. Learned counsel for the defence equally filed detailed submissions dated 10th July 2024.
6. According to learned counsel for the Republic, Ms. Kigira, there is sufficient direct evidence linking the accused to the homicide; and, that on the totality of the evidence, the accused has a case to answer.
7. The accused on the other hand relied on a number of precedents including [Woolmington v DPP](#) [1935] AC 462 and [Pius arap Maina v Republic](#), Criminal Appeal 247 of 2011 [2013] eKLR for



the proposition that the evidence does not meet the required standard of proof; and, accordingly, the accused should be acquitted.

8. My finding is as follows. It bears repeating that the accused is still deemed innocent at this stage. Furthermore, the inquiry at this juncture is merely to establish if a prima facie case has been made out requiring a rebuttal from the accused.
9. From the evidence of Joseph Mwangi Kahiga (PW8) he was a tout at the Cabanas Stage and knew both the deceased and the accused. He testified that on the material day, he was in the company of the deceased when the accused confronted the deceased saying: “wewe ndiye unafanya nisikule hii stage”.
10. The witness said that the accused then retrieved a panga from his clothing and cut the deceased on the neck. When the deceased fell down, he cut him again on the cheeks. The witness ran away when he was threatened by the accused.
11. The death of the deceased is no longer in doubt. The post-mortem report dated 23rd July 2018 (exhibit 1) produced by Dr. Dorothy Njeru (PW1) concluded that the cause of death was “multiple injuries due to chop wounds”.
12. Applying the precedents in *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949); and, upon the digest of the evidence of all the eight witnesses, I find that the Republic has established a *prima facie* case against the accused.
13. Accordingly, under the provisions of section 306 (2) of the *Criminal Procedure Code*, I now place the accused on his defence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF JANUARY 2025.

KANYI KIMONDO

JUDGE

Ruling read virtually on Microsoft Teams in the presence of-

Accused.

Ms. Kigira for the Republic instructed by the Office of the Director of Public Prosecutions.

Mr. Mwale for the accused instructed by Litwaji Achieng & Kiprop Advocates LLP.

Mr. E. Ombuna, Court Assistant.

