



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Ndung’u (Criminal Case E005 of 2022)
[2025] KEHC 2645 (KLR) (5 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2645 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E005 OF 2022
HI ONG’UDI, J
MARCH 5, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ELVIS MAINA NDUNG’U ACCUSED

RULING

1. Elvis Maina Ndung’u the accused herein is charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. The particulars are that on the night of 6th November, 2021 at Heshima Trading Center in Nakuru North Sub County within Nakuru County he murdered Carol Muthoni Njogu. He denied the charge and the case proceeded to full hearing. The Prosecution called ten (10) witnesses.
2. The cause of death as stated by PW6 was brain damage hypoglycemia in a body with subcutaneous bruising. She had injuries, bruises on the forehead, knee and chest, blood clots were noted on the back and right side of the head. This was not a natural cause of death. PW7 also produced the deceased’s medical documents of her attendance at Kenland Health Services.
3. PW8 produced a report confirming that the deceased had elements of ethanol (alcohol) in her blood.
4. PW1 and PW2 gave evidence on what they knew about this case. PW3 who was a close friend of the deceased also explained to the court what she witnessed.
5. I have considered all this evidence alongside the submissions by both parties. I am satisfied that the prosecution has established a *prima facie* case warranting this court to place the accused person on his defence under section 306(2) of the Criminal Procedure Code, which I hereby do.
6. Orders accordingly.



DELIVERED VIRTUALLY, DATED AND SIGNED THIS 5TH DAY OF MARCH, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

