



REPUBLIC OF KENYA



**Republic v Muiruri (Criminal Case 26 of 2019) [2025] KEHC 6645 (KLR) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6645 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE 26 OF 2019**

**JM NANG'EA, J**

**MAY 22, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**MARY WANJIKU MUIRURI ..... ACCUSED**

**RULING**

1. The accused is charged with Murder Contary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence state that on 17<sup>th</sup> May 2019 at Gatimu in Mau Narok Division, Njoro Sub-County, within Nakuru County she murdered Evans Ngugi. The accused entered plea of “Not Guilty”.
2. I have perused the evidence adduced by 6 witnesses the prosecution called; the defence written Submissions “on no case to answer” and the Prosecution Counsel’s reply submissions. At this stage, the prosecution is required to make out a prima facie case warranting putting of the accused on his defence. In the famous case of Ramanlal T. Bhatt vs Republic, a prima facie case was defined as one in which the court could convict if no defence is offered by the accused. That is not to say, however, that the court will be prepared to convict in every case where the accused fails to give defence. The decision of the court depends on the facts and circumstances of each case while taking into account that the accused has the constitutional right to remain silent.
3. Having been so guided, I note that PW 1, PW 3 and PW 4 didn’t witness the alleged murder but only heard that the accused had hung the deceased who was her child in her house. They then went to the house and saw the deceased’s body hanging from the roof inside their house with a rope around his neck..The Pathologist’s report indicates the cause of death to be “compression to the neck by hanging”. The case is wholly dependent on circumstantial evidence which requires the court’s holistic scrutiny.
4. Without delving into further details at this stage, I find that the prosecution has made out a prima facie case and the accused is hereby put on her defence. It is established judicial practice that no reasons



ought to be given for such decision so that an impression is not created that the court has already made up its mind before hearing the defence case.

5. Ruling accordingly.

**J. M. NANG'EA, JUDGE.**

**RULING DELIVERED THIS 22<sup>TH</sup> DAY OF MAY, 2025 IN THE PRESENCE OF:**

The Prosecution Counsel, Ms Sang

The Defence Counsel, Ms Kemunto

Accused, present

The Court Assistant, Jeniffer.

**J. M. NANG'EA, JUDGE.**

