



**Republic v Muthoni (Criminal Case 12 of 2015)
[2025] KEHC 8492 (KLR) (18 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8492 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 12 OF 2015**

**TW OUYA, J
JUNE 18, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

NORMAN GITHAE MUTHONI ACCUSED

RULING

1. The matter before court is for a ruling on case to answer under section 306 of the CPC.
2. The Accused, Norman Githae Muthoni was charged in this court with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code* particulars being that on 4th March 2015 at Gitige Village within Murang'a County, he murdered Geoffrey Kamau Nyambura.
3. The matter proceeded for full trial and Prosecution Counsel, Ms. Gakumu adduced evidence by calling six (6) witnesses and producing an array of exhibits. The accused was represented by Mr. Kirubi who cross examined the witnesses at various intervals. The trial was conducted before Wakiaga, J whereby the prosecution closed its case and the matter was pending submissions on case to answer. Upon Wakiaga J's transfer at the end of 2024, parties took directions before this court under section 200 of the CPC and opted to proceed from where the matter had stopped.
4. Upon mention on 29th April 2025, Counsel for both parties elected not to make any submissions at this stage and invited the court to give them a ruling date.
5. The prosecution's case is hinged on both circumstantial evidence and eye witness account of what transpired on the evening of 1st March 205 when the deceased was last seen alive. It is the evidence of PW1 who was an Aunt to the deceased that on that evening at around 6pm she sent the deceased Geoffrey Kamau Nyambura alias Jeff Kamau aged 7 years to the shop in the company of Denis Muchiri Kago PW2 then aged 12 years. That she got worried when the deceased had not returned at 7pm. That she saw and asked a certain child Wanderi who informed her that he had seen the accused strangling the



- deceased. Unfortunately, Wanderi was not called as a witness in this case. PW1 screamed and villagers responded including the area Chief whereby a search was mounted for the deceased. At one point she heard a faint cry of the deceased saying “Mummy” but when she responded they could not tell where the sound was coming from. The deceased body was recovered from Kayahwa river the next day at around 4pm.
6. Dennis Mugo Kago PW2 was in the company of the deceased when at the gate of one Mr. Kamau, they saw the accused urinating. Their home was at Gitige so they had decided to use a short cut. He then left the deceased in the company of the accused. And he headed home. Upon cross examination, he stated that although there were many people at the shop, there were no other people at the pathway and that it was the deceased who suggested to be left in the company of the accused since they were heading one direction and that he did not see the deceased alive again.
 7. PW5 narrates that he was living at Gitigi Village at the material time and that on 4th March 2015 at around 7.30 pm he met the accused holding the deceased not far from the deceased’s home. The accused was naked and holding the deceased and that the deceased pleaded with PW5 in Kikuyu language to tell the accused to stop. PW5 struggled with the accused but the accused was too strong for him so he left and reported to the chief. He confirms that they mounted a search for the deceased and could hear his gentle cries saying that he was dying but they could not find him. That the accused was later found at his grandmother’s home and apprehended. PW5 states further, that the next day, the accused’s clothes were found at the scene where he had found the accused defiling the deceased. He added that the accused was known to him since birth and that the accused had a wound on his forehead and that his hat was blood stained. He had no grudge with the accused.
 8. PW4 was in the company of PW1 and PW5 when each narrated what happened and was involved in the search team.
 9. PW6 was the PC Abdalla Ali visited the scene and recovered clothes in coffee farm allegedly belonging to the deceased who was missing. That they arrested the accused who upon interrogation led them to River Kiaguni where he had left the deceased’s body which was found floating therein. Upon recovery of the deceased’s body, the family was informed and post mortem performed which revealed the cause of death was head injuries. An anal swab was taken and compared with samples from the accused and the government chemist report concluded that the samples generated from the deceased matched the DNA profile generated from the accused. The witness also produced Exhibits and photographs in support of the case. He adds that the accused was cooperative and recorded statement under inquiry where he admitted to having committed the offence.
 10. I have considered the evidence by the prosecution in this case in its entirety and it is my considered view that a prima facie case has been established.
 11. I find that the accused has a case to answer and is therefore put on his defence.

DATED, SIGNED AND DELIVERED BOTH VIRTUALLY AND PHYSICALLY ON 18TH JUNE, 2025.

HON. T. W. OUYA

JUDGE

For Accused.....Kirubi HB for Mwangi Ben.

For Prosecution.....P. Mwangi

COURT ASSISTANT...Brian

