



Republic v Juma (Criminal Case 53 of 2016) [2025] KEHC 11040 (KLR) (28 July 2025) (Ruling)

Neutral citation: [2025] KEHC 11040 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA**

CRIMINAL CASE 53 OF 2016

AC BETT, J

JULY 28, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

CAROLINE LICHEMBE JUMA ACCUSED

RULING

1. The Accused was charged with the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. It was alleged that on 20th day of November 2016 at Shitukumbi village, Budonga Sub-location, West Bunyala Location in Navakholo Sub-county within Kakamega County, the Accused murdered Rose Nderema.
2. The prosecution called five (5) witnesses to support its case. The Consultant Pathologist produced a post-mortem report and testified that upon examination of the body of the deceased, he formed the opinion that the death was a result of severe head injury secondary to assault. PW4 adduced evidence that connected the Accused to the deceased who was found inside the Accused's house having sustained the injuries which later caused her death. Other witnesses also gave evidence that placed the Accused at the scene.
3. In his submissions, Mr. Adeka for the Accused urged the court to find that the prosecution had not established a prima facie case since none of the witnesses saw the Accused assault the Deceased. However, that would be too simplistic and it would be tantamount to saying that circumstantial evidence cannot sustain a conviction.
4. Having analyzed the evidence, I find that it is necessary for the Accused to tender an explanation as to how the deceased ended up injured inside her house.
5. Orders accordingly.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 28TH DAY OF JULY 2025.



A. C. BETT

JUDGE

In the presence of:

Ms. Chala for the Prosecution

Mr. Adeka for the Accused

Court Assistant: Polycap

