



**Republic v Mutie (Criminal Case E003 of 2024)
[2025] KEHC 12547 (KLR) (10 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12547 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E003 OF 2024
TM MATHEKA, J
SEPTEMBER 10, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

SIMON KIMILU MUTIE ACCUSED

RULING

1. Simon Kimilu Mutie is charged with the murder of Nason Mutie Kimilu - his father, contrary to section 203 as read with section 204 of the Penal Code. The particulars are that on 8/2/2024 at Kathenga Village Kitaingo Location, Mukaa Subcounty within Makueni County he murdered Nason Mutie Kimilu.
2. He pleaded not guilty and prosecution called 7 witnesses who included his uncle, his younger sister, the neighbour and his son, the doctor who conducted the postmortem, and the investing officer.
3. At the close of the case for the prosecution, the court is given two options by section 306 of the Criminal Procedure Code to form the opinion, based on the evidence presented, whether the prosecution has established a case – to warrant the accused being put on the defence, or whether the evidence is such that the accused must be acquitted at this stage.
4. From the evidence on record - the prosecution has established that Nason died, the postmortem report is that he had an aortic rupture caused by massive blunt force that was not caused by a fall - and the only person who was present at that time was the accused.
5. These circumstances are such that there is prima facie evidence to warrant the accused person to be put on his defence.
6. The accused will be put on his defence pursuant to section 306 (2) of the Criminal Procedure Code.

DATED SIGNED AND DELIVERED VIRTUALLY THIS 10TH SEPTEMBER 2025.



MUMBUA T MATHEKA

JUDGE

CA Ms Mwanatumu

Accused present at Makueni Main Prison

Mr Makau for accused

Mr Kazungu for state.

