



Republic v Kitoo (Criminal Case 2 of 2018) [2024] KEHC 3078 (KLR) (11 March 2024) (Ruling)

Neutral citation: [2024] KEHC 3078 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITUI
CRIMINAL CASE 2 OF 2018**

**RK LIMO, J
MARCH 11, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOSEPH KITUNGUU KITOO ACCUSED

RULING

1. The accused herein Joseph Kitunguu Kitoo, the appellant herein is charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The particulars as per the information is that on 16th December 2017 at Makaani village, Miambani location within Kitui County he murdered Margaret Ngami, his wife.
3. The accused pers pleaded not guilty to the charge and the prosecution has presented a total of 6 witnesses to support its case against the accused.
4. The state has closed its case and this court is now being called upon to determine on the basis of evidence presented whether the accused has a case to answer or whether the prosecution’s case has established a prima facie case sufficient to place the accused on his defence as provided for under section 306 of the [criminal procedure Code](#).
5. I have considered the evidence tendered and I am satisfied that the prosecution’s case has met the threshold required.

The accused has a case to answer and the options open for him under section 306 (2) of the [criminal Procedure Code](#) are hereby explained to him.

DATED, SIGNED AND DELIVERED AT KITUI THIS 11TH DAY OF MARCH, 2024

HON. JUSTICE R. K. LIMO

JUDGE

