



**Republic v Muthee (Criminal Case E006 of 2021)
[2024] KEHC 10005 (KLR) (12 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 10005 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE E006 OF 2021
SN MUTUKU, J
JUNE 12, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSEPH GACHANJA MUTHEE ACCUSED

RULING

1. Joseph Gachanja Muthee, the accused, is facing a charge of murder contrary to section 203 as read with section 204 of the [Penal Code](#). The particulars of the offence are that on 6th day of March 2021, at Chapchap Area within Ongata Rongai Town in Kajiado North Sub-County, murdered Tyson Walombe.
2. The accused pleaded not guilty to this charge. The matter proceeded to full trial. The prosecution called a total of seven (7) witnesses who testified against the accused.
3. I have analyzed the evidence tendered. It shows that the deceased was beaten by the accused after he was accused of entering the business premises of the accused. This was on 5th March 2021. The deceased was taken to hospital but he died while undergoing treatment. The cause of death, according to the post mortem report, was due to head injury caused by a blunt force trauma.
4. The accused, through his counsel has submitted that although the death of the deceased has been proved, there is no evidence to show that the accused committed the unlawful act which caused the death of the deceased. It was submitted that the evidence of the prosecution is full of inconsistencies creating doubts as to whether the accused committed the offence and therefore the evidence does not disclose that the accused has a case to answer.
5. Contrary to what is submitted on behalf of the accused, I find that the evidence of the prosecution witnesses implicates the accused person. I am therefore persuaded that the accused has a case to answer.



Consequently, the accused is called upon to tender evidence in his defence and to call witnesses to testify on his behalf.

6. It is so ordered.

SIGNED, DATED AND DELIVERED THIS 12TH JUNE 2024.

S. N. MUTUKU

JUDGE

