



**Republic v Kegoya (Criminal Case E043 of 2022)
[2024] KEHC 10778 (KLR) (18 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10778 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E043 OF 2022
HI ONG'UDI, J
SEPTEMBER 18, 2024**

BETWEEN

REPUBLIC STATE

AND

SAMWEL OTWORI KEGOYA ACCUSED

RULING

1. Samuel Otworu Kegoya the accused herein stands charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars are that the accused on 14th day of February 2020 at Kenyatta Estate in Njoro sub county within Nakuru county, murdered Ruth Waithera Kinyua.
2. The accused denied the charge and the matter proceeded to full hearing with the prosecution calling ten (10) witnesses. The fact and cause of death are not contested. It is also true there is no eye witness who testified. However, there is the evidence of the investigating officer P. C Joseph Njogu Ekante – PW5 showing how the accused was traced by use of the deceased’s phone. The daughter of the deceased PW1 was also called by the accused while using the deceased’s phone.
3. This incident occurred on 14th February, 2020 and the accused went underground only to be arrested around 30th July 2022 by police officers from Keroka police station. There is a lot about this which I would not wish to get into at this point. His own brother Kevin Otworu who had assisted the police in their investigations refused to attend court to testify against the accused. There may be no direct evidence but there is sufficient circumstantial evidence to warrant the accused’s placement on his defence.
4. I therefore place the accused on his defence under section 306(2) of the Criminal Procedure Code.
5. Orders accordingly



**DELIVERED, DATED AND SIGNED THIS 18TH DAY OF SEPTEMBER, 2024 IN OPEN COURT
AT NAKURU.**

H. I. ONG'UDI

JUDGE

