



Republic v Guama (Criminal Case 13 of 2020) [2023] KEHC 43 (KLR) (18 January 2023) (Ruling)

Neutral citation: [2023] KEHC 43 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE 13 OF 2020
CM KARIUKI, J
JANUARY 18, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHARLES WAMUYU GUAMA 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](#) Cap 63 Laws of Kenya.
2. The particular of the offence being that on August 25, 2020 at Juakali Estate in Olkalou in Nyandarua Central Subcounty within Nyandarua County murdered Samwel Njoroge Wamai.
3. He pleaded not guilty and the matter went into full trial and the prosecution called witnesses but had a balance of two (2) who are yet to be called. The court had given options of plea bargain which was sought by the accused side but family of victim rejected.
4. The prosecution was forced to close case as to witnesses were not attending court.
5. However, court found that if present before defence hearing, they can seek to reopen the case.
6. Thus, the court goes ahead to rule on whether accused has a case to answer.
7. The PW 1 witnessing via death declaration from the victim narrated that the assailant was said to be 'Chalo'.
8. The accused may have to explain whether same refers to him and what he knows of the victim's death.
9. Thus, court finds he has a case to answer and is hereby put on his defence.
10. The court has perused both parties submissions but will analyze same after doing the judgment.



DATED, SIGNED, AND DELIVERED AT NYAHURURU ON THIS 18TH DAY OF
JANUARY,2023.

CHARLES KARIUKI

JUDGE

