



**Republic v Gathirimu (Criminal Case 22 of 2018)
[2023] KEHC 21148 (KLR) (20 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21148 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
CRIMINAL CASE 22 OF 2018
SN MUTUKU, J
JULY 20, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

ROBIN MWAURA GATHIRIMU ACCUSED

RULING

1. The accused, Robin Mwaura Gathirimu, is charged with murder contrary to section 203 as read with section 204 of the *Penal Code*. The offence is alleged to have been committed on November 30, 2018 at Kiserian Township, Kajiado North Sub-County within Kajiado County. The victim was Angel Wangui. The accused pleaded not guilty to this charge.
2. The record of the court file shows that a total of eight (8) witnesses have testified. I took over the conduct of this case after six (6) witnesses had testified and I took evidence from two (2) witnesses after which the prosecution closed its case.
3. I have reviewed the entire record of evidence. I have noted that the body of the deceased was recovered from the house said to belong to the accused. According to the evidence of Dr Peter Muriuki Ndegwa (PW7), the right foot had been amputated at the ankle joint; there were multiple (9) visible wounds on the left ankle and arm. The head had been decapitated from the body and the neck muscles had been severed all around. The cause of death was exsanguination due to multiple injuries caused by sharp force trauma (sharp object).
4. The accused has been implicated by the evidence adduced in this court. Section 306 (2) of the *Criminal Procedure Code* provides that:

When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is evidence that the accused person or any one or more of several accused persons committed the offence, shall inform each such accused person of his right to address



the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself; and upon being informed thereof, the judge shall record the fact.

5. It is my finding, after consideration of the evidence on record that that accused has a case to answer and shall be placed on his defence. The provisions of the above section have been communicated to him. He shall inform the court how he wishes to tender evidence in his defence and whether he will be calling any witnesses.
6. Orders shall issue accordingly.

Dated, signed and delivered this 20th July 2023.

S. N MUTUKU

JUDGE

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