



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 13 OF 2019

REPUBLIC.....PROSECUTOR

VERSUS

EUNICE MUTHONI WANJIHIA.....ACCUSED

RULING

1. The accused is charged with *murder* contrary to section 203 as read with section 204 of the **Penal Code**.
2. The particulars are that on 17th June 2019 at Huhoini village, Kandara Sub-County within Murang'a County, she murdered *Michael Gichaga Ngaruiya*.
3. She pleaded *not guilty*. The prosecution lined up *seven* witnesses.
4. I am now called to determine whether their evidence is sufficient to place the accused on her defence.
5. Learned counsel for the accused, *Mr. Waweru Nyambura*, filed submissions on 30th July 2021. Learned Prosecution Counsel, *Mr. Sebastian Mutinda*, also filed his submissions on even date.
6. I have paid heed to the evidence of Jemimah Nyambura (PW1). She testified that she first saw the accused assaulting the deceased and then hitting him with a plank of wood on the head.
7. According to the Dr. Eunice Kimani (PW7) the autopsy revealed that the deceased died from "*massive intracranial haemorrhage secondary to trauma to the head*".
8. Applying the precedents in *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949); and, upon the digest of the evidence of *all the seven* witnesses, I find that the Republic has established a *prima facie* case against the accused.
9. Accordingly, under the provisions of section 306 (2) of the **Criminal Procedure Code**, I place the accused on her defence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 12TH DAY OF OCTOBER 2021.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of:

The accused.

Mr. Waweru Nyambura for the accused.

Ms. A. P. Gakumu for the Republic.

Ms. Dorcas Waichuhi & Ms. Susan Waiganjo, Court Assistants.