



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCR NO. 79 OF 2017**

**FORMERLY MACHAKOS HCCR 79 OF 2015**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**JACKLINE NTHENYA UHURU .....1<sup>ST</sup> ACCUSED**

**JOHN WAMBUA MUNYAO .....2<sup>ND</sup> ACCUSED**

**RULING**

1. **Jackline Nthenya Uhuru** and **John Wambua Munyao** who are 1<sup>st</sup> and 2<sup>nd</sup> accused stand charged with the offence of murder contrary to section 203 as read with section 204 Penal Code. The deceased was **Michael Makeni Nduva**.
2. The Prosecution presented seven (7) witnesses to the court to support its case. It is clear that the evidence is clearly circumstantial but that in itself does not weaken the prosecution case. I have considered the said evidence plus the submissions by Mr. Hassan for the accused.
3. The post mortem report (EXB1) shows the cause of death as severe head injury, secondary to blunt trauma. It therefore confirms that the death was not natural.
4. I am satisfied that the prosecution has made out a *prima facie* case against both the 1<sup>st</sup> and 2<sup>nd</sup> accused persons who I hereby place on their defence under Section 306(2) Criminal Procedure Code.

Orders accordingly.

**Delivered, signed & dated this 22<sup>nd</sup> day of January 2020, in open court at Makueni.**

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**H. I. Ong'udi**

**Judge**