



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL CASE NO. 2 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

MARTIN MUTETHIA.....ACCUSED

RULING

Martin Mutethia was charged with the offence of Murder contrary to section 203 as read with section 204 of the penal code.

Particulars are that Martin Mutethia on the 23rd day of December 2017 at Kairanya village Akirangondu location in Igembe South Subcounty within Meru County murdered Lawi Kabaya.

The deceased persons wife – PW3- testified that the accused herein and 20 others left together with the deceased on 22.12.2017 to go and sell miraa in Maua. That the following day at 6.00 am they brought the deceased and placed the deceased outside the house and left him lying on the ground and he was having injuries. Coupled with the evidence of the PW1, PW2, PW4 and PW5 this court finds that a prima facie case has been established against the accused. The accused has a case to answer and is placed on defence.

HON A. ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 20TH DAY OF FEBRUARY 2020.

In the presence of :

C/A: Kinoti

Accused:- Present

State: Ms Mbithe for state.

Mr Mutuma Advocate for accused- N/A

Mr Kirimu holding brief.

Court: Provisions of S. 211 CPC explained to accused and he replies

Accused: Sworn statement.

Order: Defence hearing – 19.3.2020

HON A. ONG'INJO

JUDGE