



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 31 OF 2012

[FORMERLY NYERI HCCR 11 OF 2011]

REPUBLIC.....PROSECUTOR

VERSUS

JULIUS WANDERI MWANGI.....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 14th December 2002 at Wanjengi village in Murang'a within the Central Province, he murdered *Benson Chege Kinyua*.
3. He pleaded *not guilty*. The prosecution lined up *five* witnesses. There is *direct* and *circumstantial* evidence surrounding the homicide in this case. For instance, PW1 testified that on the material night at Wanjengi Trading Centre outside a bar styled *Mwafrika* he saw the accused stab the deceased on the left side of the chest.
4. He and PW2 took the deceased to a local clinic. They were referred to Murang'a Hospital. Before embarking upon the journey, they reported the matter to Kirogo Police who advised them to take the deceased to hospital.
5. The deceased was pronounced dead on arrival at Murang'a Hospital. On 19th December 2002, PW5 identified the body of the deceased at the hospital for post mortem purposes.
6. Both the learned prosecution counsel; and, the learned defence counsel opted *not* to make submissions.
7. 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 *five* witnesses, I find that the Republic has established a *prima facie* case against the accused.
8. Accordingly, under the provisions of section 306 (2) of the **Criminal Procedure Code**, I place the accused on his defence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 6TH DAY OF FEBRUARY 2020.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Ms. Gichuru for the Republic.

Mr. Mbuthia holding brief for Ms. King'oo for the accused.

Ms. Dorcas & Ms. Elizabeth, Court Assistants.