



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MAKUENI**

**HCCRC NO.7 OF 2017**

**FORMERLY MACHAKOS HCCRC NO. 2 OF 2017**

**REPUBLIC.....PROSECUTION**

**-VERSUS-**

**SUNZA MAKAU .....ACCUSED**

**RULING**

1. **Sunza Makau** the accused has been charged with murder contrary to section 203 as read with section 204 of the Penal Code. The prosecution presented ten (10) witnesses to establish its case.

2. Mr. Masaku for the accused submitted that there were issues which the prosecution had not established in particular, the one of identity of the accused.

3. All the witnesses in particular Pw1 to Pw7 have clearly indicated what they saw and witnessed on the material night. All this evidence considered together establishes a prima facie case against the accused who I hereby place on his defence under section 306(2) Criminal Procedure Code.

**Delivered, signed & dated this 3<sup>rd</sup> day of April 2020, in open court at Makueni.**

.....

**H. I. Ong'udi**

**Judge**