

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 200 OF 2017

(FORMERLY MACHAKOS HCCR NO. 28 OF 2016)

REPUBLIC.....PROSECUTION

VERSUS

MWANZIA MUSEMBI.....ACCUSED

RULING

1. **Mwanzia Musembi** the accused **stands** charged for the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

2. The particulars are that the accused on 25th June, 2016 at Katavani Village in Kiboko within Makindu Sub-County of Makueni County murdered **Florence Ndunge Mulwa**.

3. The prosecution relies on the evidence of eight (8) witnesses including that of an eye witness. Their evidence is clear on what they saw, heard and did.

4. The cause of death was found to be cardiopulmonary arrest due to excessive haemorrhage from penetrating abdominal trauma (EXB 2).

5. I am satisfied that the prosecution has established a *prima facie* case against the accused who I hereby place on his defence under Section 306 (2) of the CPC.

Orders accordingly.

Delivered, signed & dated this 3rd day of April 2020, in open court at Makueni.

H. I. Ong'udi

Judge