

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HIGH COURT CRIMINAL CASE NO. 12 OF 2019

REPUBLIC.....PROSECUTION

-VERSUS-

MAGDALINE NDUKU KIIO.....1ST ACCUSED

ERICK KIIO KITHUKA.....2ND ACCUSED

SAMMY KIIO KITHUKA.....3RD ACCUSED

RULING

1. **Magdaline Nduko Kii, Erick Kii Kithuka, Sammy Kii Kithuka** referred to as 1st, 2nd and 3rd accused persons are facing two counts of murder contrary to section 203 as read with section 204 of the Penal Code.

2. They denied the charges and the case proceeded to full hearing with the prosecution calling fourteen (14) witnesses. The cause of death in both cases is excessive haemorrhage as a result of head injuries (EXB5&6). Each of the witnesses has told the court the role they played in this matter. Pw1 and Pw2 were eye witnesses to the incident.

Having considered all the evidence on record, I have come to the conclusion that a *prima facie* case has been established against all the three accused persons.

1st, 2nd and 3rd accused are all hereby placed on their defence under section 306 (2) Criminal Procedure Code.

Orders accordingly.

Delivered, signed & dated this 8th day of July 2020, in open court at Makueni.

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H. I. Ong'udi

Judge