



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HIGH COURT CRIMINAL CASE NO. 28 OF 2018**

**REPUBLIC ..... PROSECUTION**

**VERSUS**

**MUTHWIKA NGONZI .....ACCUSED**

**RULING**

1. **Muthwika Ngonzi** the accused is facing a charge of murder contrary to section 203 as read with section 204 of the Penal Code. The person he is alleged to have killed was his biological mother.
2. The prosecution called seven (7) witnesses among them two brothers of the accused (*Pw1 and Pw2*) and a paternal aunt (*Pw5*). **Pw7 Dr. Makau** found the cause of death to be respiratory failure, secondary to severed larynx trachea with a sharp object (panga).
3. Upon evaluating the evidence adduced which is circumstantial, I find a prima facie case to have been established against the accused who I hereby place on his defence.

***Delivered, signed & dated this 10<sup>th</sup> day of November 2020, in open court at Makueni.***

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**H. I. Ong'udi**

**Judge**