



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 67 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

REUBEN MUTWIRI MWORIA.....ACCUSED

RULING

The accused Reuben Mutwiri faces a charge of murder contrary to section 203 as read with section 204 of the penal code.

Particulars are that Reuben Mutwiri Mworira on the night 19th/20th September 2014 at unknown time at Guchici village, Gaitu West Location in Imenti Central District within Meru County murdered M’Ndiria M’Ngaiti.

Pw1 found the deceased door open and on entering found him dead with cuts on the face. PW2 said when Reuben Mureithi called and informed him the deceased was found dead he made phone call to the chief and reported.

He went to the deceased house and found a crowd. He said deceased had cut on chest, one finger chopped off; cut on the back of head and on the face. It was reported that Jediel killed the deceased after which he stole his maize and sold to his brother David at night.

When David, accused persons brother was accosted by Jediel PW2 and other members of public, he led them to where accused was working and he was found in the farm with his employer. He was arrested and escorted to his house in the employer’s home and blood stained trouser and jacket recovered. That accused led police to where he had sold maize but no one was found.

PW3 Sabera Kajuju accused persons employer testified that on 23.9.2014 at about 10.45 am. She was working in the farm with accused when a crowd of people came and surrounded accused and carried him to her gate where he was tied on the arms and that is when he said he had killed Mzee M’Ngaiti. She said accused identified a panga he had used to kill the deceased to the police. She said the accused said he hid the panga after using it to kill the deceased. She said on learning of what accused had done she was so shocked that she even fainted and could not remember the kind of clothes recovered from his house.

She said she could not tell if accused left the home after going to his house to sleep at night.

Upon considering the evidence of the 9 prosecution witnesses this court is of the view that a prima facie case has been established and accused has a case to answer. He is placed on defence.

JUDGE HON. A.ONG’INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED THIS 17th DAY OF JANUARY 2019

In the presence of:

CA: Mr Kinoti

Accused- Present in person

State: Mr Namiti for state. Mr Ngige holding brief for Wamache for accused. S. 211 C.P. explained to accused persons and he replies:-

Accused

I will give sworn statement. I don't have witnesses.

Orders

Defence hearing – 14.2.2019

HON. A.ONG'INJO