



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO.64 OF 2016

REPUBLICPROSECUTION

VS

MARTHA KATHURE MUTUMA.....1ST ACCUSED

MORRIS MAORE MURUNGI.....2nd ACCUSED

RULING

The accused persons Martha Kathure Mutuma and Morris Maore Murungi are jointly charged with offence of murder contrary to section 203 as read with section 204 of the penal code.

Particulars are that the accused persons on the 1st day of September 2016 at Maruri villange, Ntunene Location in Igembe North Sub-county within Meru County with another not before court murdered peter Muthuri.

From the evidence on record for the prosecution this court finds that a prima facie case has been established against Morris Maore Muring and he has a case to answer. As for A1 Martha Kathure Mutuma, PW3 said she was arrested and charged when she refused to record a statement after murder was committed at her pub.

PW3 and PW4 the Investigating officer however say that a fight broken between accused persons and the deceased and the deceased succumbed to injuries inflicted on him during the fight. This court finds that both A1 and A2 have a duty to explain what happened and how deceased met his death while at the pub where they were.

I do place both on defence.

HON. A.ONG'INJO

JUDGE

Before Adwera Onginjo

Kinoti – C/A

Ms Mbithe for state

Ms Wambulwa holding for Ogoki for D1

Mr Ojiambo Advocate for A2 – N/A

Ms Wambulwa holding brief

A1-Present in person

A2- N/A

Order: P.O. to issue for A2 for 19.2.2019.

A1-B/Ext

19.2.2019

Before Adwera –Ong'injo J

Kinoti –C/A

Ms Wambulwa Advocate for 1st Accused

Ms Wambulwa holding brief for Ojiambo for A2.

Court

Ruling delivered dated and signed in court. S. 211 Cp. C. Explained to accused persons and they reply.

HON. A.ONG'INJO

JUDGE

A1-Sworn statement: one witness

A2-Sworn statement: One witness

Order: Dhg 14.5.2019

HON. A.ONG'INJO

JUDGE