



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL CASE NO. 63 OF 2018

REPUBLIC.....PROSECUTOR

V E R S U S

DUNCAN KIUNGA.....1ST ACCUSED

NAHASHON KIOGORA MUTUNGA.....2ND ACCUSED

FELIX KARANI.....3RD ACCUSED

JOHN GITUMA KITHURE.....4TH ACCUSED

KIAMBI MWAJA.....5TH ACCUSED

RULING

The accused persons Duncan Kiunga, Nahashon Kiogora Mutunga, Felix Karani, John Gituma and Kiambi Mwaja were 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 night of 23rd June 2018 at Mitunguu Airstrip in Gakoromone village, Kirundine Location, Imenti South Subcounty within Meru County jointly with others not before court murdered Roselyne Munala.

Upon pleading to charge against them, the court ordered for a pre-bail report upon accused persons applying to be released on bond. The reports were filed on 30th October 2018. Pre-bail Report in respect of A1 is not favorable. He said in court he is 16 years and therefore a minor but his report indicates he is 20 years old. He will remain in custody during his trial.

A2 Nahashon Kiogora Mutunga 41 years old man. Pre-bail Report was also not favorable. It is indicated that if released he risks being harmed in revenge by the relatives of the victim. In the circumstances he will remain in custody during his trial.

A3 Felix Karani 42 years old male adult also had social inquiry report filed but it is negative and not favorable for his release on bond as he risks being harmed. A3 will similarly remain in custody pending trial.

A4 John Gituma -29 years old adult of sound mind also had his social inquiry report filed for purposes of considering if he is suitable for release on bond. However, the deceased person's husband a pastor in a local church fears for his life he is released since he has not known the motive behind his wife's murder. Some relatives of A4 are also opposed to his release on bond terms. The wife and neighbor who were positive about his release on bond had no security for his release. A4 similarly will remain in custody pending testimony of crucial witnesses in court after which application for review maybe considered.

A5 Kiambi Mwaja aged 37 years old also had his social inquiry report filed and it is not favorable for his release on bond. A5 will also remain in custody during his trial for the offence of murder.

HON A. ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 9TH DAY OF MAY 2019.

In the presence of :

C/A: Mr Kinoti

State:-Ms Mbithe for state

A1:-Present in person

A2:-Present in person

A3:-Present in person

A4:-Present in person

A5:-Present in person

Mr Muthomi Advocate for 3rd, 4th and 5th Accused – No appearance

Mr Kaumbi Advocate for A1 & A2 – No appearance

HON A. ONG'INJO

JUDGE