

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCRC NO. 94 OF 2017

REPUBLIC.....PROSECUTION

-VERSUS-

SHADRACK KYALO NDAMBUKI.....ACCUSED

RULING

1. **Shadrack Kyalo Ndambuki**, the accused stands charged with the offence of murder contrary to Section 203 as read with Section 204 Penal Code.

The particulars being that the accused on the **night of 8th and 9th day of April, 2016** at Munathi village Kituluni Sub location of Kathonzweni Sub county within Makueni County, murdered **Mutinda Ndambuki**.

2. I have considered the evidence on record plus the submissions by the defence counsel. The prosecution called eight (8) witnesses. The accused and the deceased were brothers.

3. The incident occurred at their father's homestead.

4. The fact of death and cause have been established.

5. **I am satisfied that there is sufficient evidence for me to place the accused on his defence which I hereby do under Section 306 (2) Criminal Procedure Code.**

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 23RD DAY OF JULY 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE