

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 3 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

STEPHEN MUEMA MWILU.....ACCUSED

R U L I N G

1. **Stephen Muema Mwilu** is charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Particulars of the offence are outlined in the charge sheet.
2. At the close of the Prosecution's case, evidence tendered was that the Accused, the father of the Deceased held her and threw her down. The child became unconscious as a result of the unlawful act perpetrated by the Accused. She was rushed to hospital but pronounced dead on arrival.
3. A post-mortem conducted revealed that the cause of death was cardiopulmonary arrest secondary to subarachnoid haemorrhage. The blood vessel having burst in the brain that was attributed to the fall that was perpetrated by the Accused. Therefore, it calls upon the Accused to give an explanation in his defence pursuant to **Section 306(2)** of the **Criminal Procedure Code**.
4. It is so ordered.

Dated, Signed and Delivered at Kitui this 4th day of July, 2019.

L. N. MUTENDE

JUDGE