



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CORAM: R. MWONGO, J.

CRIMINAL CASE NO. 51 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

GEORGE WAWERU.....ACCUSED

JUDGMENT

1. The accused was charged with the offence of murder c/s 203 as read with 204 of the penal code. The particulars of the offence are that on the 15th day of July, 2015, at Olmogogo sub location, Murungaru Location, in Nyandarua South District within Nyandarua County, he murdered Paul Kinyanjui Mage. The accused pleaded not guilty to the charges. The matter then proceeded for hearing before Meoli J, who was subsequently transferred. The accused was found to have a case to answer, and he was put him on his defence. The defence hearing proceeded before Mwongo, J after the accused requested that the matter do proceed.

2. The Prosecution called 9 witnesses. The defence called 3 witnesses.

3. PW1, AP Corporal Paul Konje, testified that on 15th July 2015 he was on duty when he was called by the area Chief Samuel Kinyanjui (PW2) with information that there was bhang being stored and transported at Gatamaiyu area. After notifying Sergeant Tandazi –the AP In Charge – he despatched APC Mungai and APC Waweru (the Accused), assigning of them a G3 rifle and twenty rounds of ammunition. This was about 8.00pm. The two AP's were instructed to accompany the Chief to make inquiries.

4. Later, he received a call from APC Waweru informing him that there was a shooting incident that had occurred; that they found bhang in the farm; that they were led to the home of the owner a distance away but in the process of entering the home, the firearm went off. He informed Sgt Tandazi and both went to the scene described by AP Waweru at Muchaka Muchaka. They saw a man lying behind the house bleeding on his left leg near the knee. He had a cloth band tied around the wound.

5. PW 1 saw the gun used by PC Waweru and noted it had signs of cutting on the handle. He saw a knife and crow bar near the deceased and on questioning PC Waweru, he learnt that the deceased had attacked him grabbing his gun, he blocked a swipe with his gun butt, then in the ensuing struggle the gun went off firing one bullet that hit the deceased on his leg. Later he learnt that the deceased had died.

6. He identified the crowbar, the gun issued to AP Waweru and the bhangi uprooted and the Arms Movement Register.

7. PW2, Chief Samuel Kinyanjui of Karati, testified that he had information that a man by the name Kinyanjui was storing bhang and transporting it to Kinangop. He went in the company of PC Mungai, PC Waweru and the Sub-chief in charge of Gatimaiyu. They proceeded to search, without success, the home of one Karaba (PW7) who was living at one of the deceased's houses. Karaba then led them to Kinyanjui's shamba which had bhang, and thereafter he led them to look for and arrest Kinyanjui at his home.

8. When they got to Kinyanjui's house, they saw his wife in the kitchen cooking, whilst Kinyanjui was having a drink in another room. They asked him to open the door and explained who they were but they declined to open. PC Mungai had gone round to the front of the house and PC Waweru to the rear. They then heard a bang on a wooden door which was in another room followed closely by a gunshot. They rushed to the back and found deceased lying down with a gunshot injury at his knee. A metal bar and knife were beside him, and he, the deceased, said he thought they were robbers. APC Waweru his gun had discharged when he was struggling with the deceased and almost lost his gun to him. PW4 did some first aid after asking the deceased's wife to bring a cloth and tied the leg of the deceased to control bleeding. A police vehicle from Naivasha Police station soon arrived and took deceased to hospital.

9. PW3, Lucy Waweru, is the deceased's sister. She testified that she was the one who identified the body of the deceased at commencement of the postmortem.

10. PW4, Nicetta Waithaka, the deceased's wife testified that she and the deceased were at home that night at around 8.00pm. She was cooking and he was nearby conversing with her. Suddenly, they heard the rear door of their house hit hard and opened, but nobody came in. Her husband sprang up and went to find out what was happening. She heard someone say '**cock and shoot**' and then there was a loud bang. She testifies that she went out with the knife that she was holding and lamp because the corridor was dark and she wanted to see what had transpired. She saw the deceased lying on the ground foaming at mouth, then she realized that the men outside the house were police – two were in uniform and one had regular clothing. She heard the deceased asking the police not to hit him again but one police officer threatened to kill him. Then she was sent to get a cloth to tie the leg of deceased, which she did. She then went to inform the relatives of deceased who came to the scene. A police vehicle later came and took the deceased to hospital.

11. PW5. Dr Richard Wainaina of Naivasha District Hospital, appeared and produced a P3 (PExb 11) report prepared by his colleague Dr Stephen Ondiek. The doctor stated that the death of the deceased was caused by cardiopulmonary arrest due to severe bleeding from gunshot wounds severing vessels and fracture bones.

12. PW 6 PC Samuel Mungai more or less reiterated the evidence of PW2 with whom he went to the deceased's house on the material night. He added that he when they reached the deceased's home, Chief Nganga knocked on the window and said he was the chief and was with the police. He asked that the door be opened, but a male voice responded that he did not want night guests. The accused then went to the back door, as the chief insisted that the door be opened. PW6 said he then heard a loud bang followed by a gunshot. He rushed here and found a man lying down wounded. The accused was close to the deceased. A knife was in the deceased's hand and a crowbar was near the deceased.

13. PW7, Francis Karaba Njatha, testified that, being an internally displaced person, he was offered a place to stay at Gwashea by the deceased. On the material day, at around 7.00 p.m. he had just come back home, when two police officers came calling. They were accompanied by the area chief and wanted to search for bhang in the compound. They did not find anything. They then questioned him about the plants in the shamba, and said that the maize had been inter-planted with bhang. They plucked some of the plants then asked to be taken to the house of the owner.

14. His further testimony is that they first went to the home of Karumia who joined them before they proceeded to the deceased's house. When they got there, the Chief knocked on the kitchen window warning the deceased not to escape. As the Chief went round he said he heard the police officer shoot then the deceased's wife came out of the house crying. He testified that when the police officer fired, he was next to him and he shot into the air while the deceased was still in the house. He then saw the Chief come out of the house speaking to someone on the phone saying "**He has become violent and my officer has shot him**". He said when he went round, he found the deceased he found the deceased about two metres from the door, and the deceased lay on the ground with a gunshot wound on his leg. Thereafter a police vehicle came to carry deceased to hospital.

15. CIP Paul Kipkorir, of Kinangop police station, testified as PW8. He said that he was called and told that someone had been injured at Kabati but he redirected them to the OCS Naivasha because Kabati is under Naivasha. The next day however he proceeded to Murungaru when he was informed that the incident had happened there, he went to the scene to search for cartridges but found none. He collected some bags of suspected bhang and collected two firearms from Kabati, one with 19 rounds of ammunition and one with 20 rounds of ammunition and one of them had cut marks. He produced the firearms, spent cartridges and live ammunition in court and the alleged bhang. He produced the firearms and the bullets for marking.

16. PW9, James Onyango, is a ballistics expert. He produced the firearms, bullets and the single spent cartridge used at the scene as exhibits. He testified that the left hand side of hand guard of the gun used by the accused had three cuts on it; cuts probably inflicted with a sharp object. He stated that the accused's gun had fired a single bullet. These facts are not disputed.

17. In his evidence in defence, the accused testified as DW1. He recalled the events of the day as stated by PC Samuel Mwangi. His explained that when they got to the compound of the deceased they "**strategized on how to go in**". He said he also had a torch as it was dark. "**We agreed that I go round to the back. Samuel Mungai was to go to the front together with the Chief and assistant chiefs. I was going behind alone**"

18. When he got to the back, he heard the Chief shout that he and the assistant chief were there and asked the deceased to open the door. The accused however declined to open the door and said in Kikuyu: '**nyinyi shetani mnakuja nini kwangu usiku? Nitakufa na mtu**'.

19. The accused's story is then best told by himself:

"After that he did not open the front door. I then heard the wooden door in front of me being hit until it opened outwards. There was light from inside the house and I saw a man come out with something like a chuma. In his left hand he had a chuma and in his right hand he had something shinny like a knife. He did not speak to me. I did not have a chance to speak with him as he came out threatening me. He tried to hit me with the shinny thing in his right hand. He tried to stab me on my chest.

I protected myself with the gun holding it with both hands. The slung [sic: sling] was still round my back. The gun was hit and cut three times at the front and centre. I screamed thrice and shouted to the other officers to come behind the house. When the man had me shout he dropped the objects he was holding and started hitting me with his fists and pulling the gun. He hit me on the mouth. The gun hit me on the head as we wrestled and pulled and pushed. He was unable to get the gun off me. In the struggle the gun's safety pin came off. I had cocked the gun and locked the safety pin when I had got to the corridor so I could be ready to shoot if necessary. When the safety pin is locked, the gun cannot discharge.

The lock is on the left of the gun when the nozzle is facing away. The butt is was facing up and nozzle was facing down during the struggle. The safety pin dislodged and then I heard the bang of the discharging gun. The bullet went down wards. The floor had rough concrete. My assailant left the gun and he fell down.

I took a step back, took my torch and shore [sic: shone] it on the gun and saw the safety pin had gone off. I also shone the torch on my assailant. He was bleeding on his left leg below the knee.”

20. The accused testified that during the scuffle he was injured at the back of his head and on his mouth by the deceased. He sought treatment afterwards. On the strength of a court order, he produced receipts and a P3 form to prove his injuries, together with an OB report showing that PC Samuel Mungai had reported that the accused had been assaulted that night.

21. Joshua Maina, the Assistant Chief of OI Magogo testified as DW2. He reiterated the evidence of the accused and testified that he warned the arresting team that the deceased was dangerous. After the deceased was called by the chief through the windows, he (the accused) said he would go down with someone. DW2 testified that the deceased remained in the house and was banging on the walls and doors. DW2 then said he heard a bang at the back of the house and that on going around to the back, he found the deceased lying down having been shot.

22. DW 3, Benjamina Kuria is a Clinical Officer attached to Naivasha County Referral Hospital. He testified that the accused presented a P3 form for filling together with receipts from Naivasha District Hospital dated 16th July, 2015, about four years before. He examined the accused in hospital on 25th February, 2019, but did not see any injuries on the accused as the incident had occurred years before. He stated that he had looked at the accused's records in the hospital and confirmed that the accused was treated for soft tissue injuries. He however admitted that he had not produced a copy of the said treatment notes.

Analysis and determination

23. Under **section 203** of the **Penal Code** the offence of murder has three ingredients: namely, that the accused person carried out an unlawful act or omission; that in the execution of the unlawful act or omission he caused injury to the deceased person out of which the deceased person died; and that at the time of the unlawful act or omission was executed, the accused person had formed the intention to either cause death or grievous harm to the deceased person.

24. **Section 206** of the **Penal Code** sets out the circumstances which constitute malice aforethought or intention to cause death as follows:

“Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances:

1. An intention to cause the death of or to do grievous harm to any person, whether that person is the person actually killed or not,

2. Knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether that person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;

3. An intent to commit a felony;

4. An intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.”

25. From the evidence adduced, there is no dispute that the deceased was shot by the gun which was in the hands of the accused. The bullet hit the leg of the deceased, and he died in hospital whilst undergoing treatment. The state's case is that the shooting was by an intentional act of the accused resulting in the deceased's death.

26. The defence case is essentially that the accused had no intention of shooting; that he was attacked by the deceased as the accused sought to arrest him; that the accused's gun went off accidentally and the bullet hit the stone floor then ricocheted injuring the deceased in the leg. The defence submitted that the deceased's death was not pre-meditated, nor was any failure, negligence or omission shown on the part of the accused.

27. The critical issue for determination, therefore, is whether the prosecution has established malice aforethought against the accused.

Whether the death was caused through malice aforethought

28. In **Rex Versus Tubere S/o Ochen 1945 12 EACA 63** the East African Court of Appeal laid down the guidelines for determining malice aforethought when it held that:

“To determine whether malice aforethought has been established [the court has] to consider the weapon used, the manner in which it is used, the part of the body targeted, the nature of injuries inflicted, the conduct of the accused before, during and after the incident”.

29. Similarly, the English Courts in dealing with the same issue ask similar questions. In **Cunliffe v Goodman 1950 1 ALL ER 724 Asquith L.J** in regard to the definition of intention in homicide offences stated:

“An intention, to my mind, connotes a state of affairs which the party intending does more than merely contemplate, it connotes a state of affairs which, on the contrary, he decides, so far as in him lies, to bring about, and which, in point of possibility, he has a reasonable prospect of being able to bring about by his own act of volition”

30. What does the available evidence disclose in this case? Other than the accused, PW7 Francis Kiraba, said he was an eyewitness. It was he who led the police to the accused's house. He said that:

“When the police officer fired he was next to me. He shot in the air. At the time the deceased was inside the house...”

However, Kiraba also said he had been handcuffed to a man called Njau at the time; and that:

“As the chief went round I heard the police officer shoot.When I went round I found the deceased about 2 metres from the kitchen door facing the other side”

In cross examination Kiraba said that whilst at the deceased's house, he:

“stood in front of the house. One officer went to the back of the house... I stood outside with an officer close by”

31. In light of the above evidence, I am unable to accept that Kiraba was in a position to see the actual shooting incident, and his eyewitness testimony is of no direct assistance here. In addition, Kiraba stated that he was handcuffed to one Njau at the time of the incident; and that he was in front of the deceased's house and had to go round after the shooting to see the deceased. In my view therefore, the only eyewitness was the accused who said he was alone at the back of the house when the gun went off. That evidence of the accused is not really disputed.

32. The next question is whether the accused intentionally or negligently shot the deceased. The accused's evidence was that he had been issued a gun with bullets. He knew a report had reached the station ***“that there was a place where illegal liquor was being used and a store for bhangi (cannabis)”***. The assignment they had been given was to ***“go and check because there was a Presidential directive cracking down on illegal liquor”***. On reaching the accused's compound where Kiraba lived, they found cannabis planted in the shamba. They plucked some of it. They were then shown to the accused's house.

33. When he and his colleagues reached the entrance of the deceased's compound they ***“strategized how to go in”***. That involved his going to the back of the deceased's house alone. When he got to the back, he: ***“cocked the gun and locked the safety pin when I had got to the corridor so I could be ready to shoot if necessary.”*** He thus readied himself to shoot, should the need arise.

34. Standing in the back corridor near the door, with his cocked gun, he said he heard people speaking inside the house and there was light. He heard Kinyanjui defiantly ask in Kikuyu: ***“Nyinyi shetani Mnakuja kwangu nini usiku. Nitakufa na mtu”***. Following this, he ***“then heard the wooden door in front of him being hit until it opened outwards”***. Having heard this, he knew that the person inside intended trouble. From his description, the person inside did not suddenly burst open the door and tumble out. Accused said it was being knocked from inside for it to open. He still stood there, not moving away, or taking any evasive action.

35. After the door opened, the Accused saw the deceased come out with a metal bar and a shiny object. A scuffle ensued. Accused says the gun was facing downwards as the scuffle went on, until the safety pin slipped and the gun fired. It was that discharged bullet that hit the deceased's leg.

36. My view of the evidence is that the Accused had a mind to use the gun; he readied himself to use it should need arise. His intention was that the offender should not get away. Despite having a cocked gun and hearing the deceased shout that he would go down with someone, the accused did not take any preventive action to ensure that as little force or injury should be occasioned. He did not even re-position himself as to where he was standing. As a law enforcement officer, he is trained to ensure the use of only reasonable force, to use a firearm only as a last resort in extreme circumstances, and to take evasive action.

37. The **Sixth Schedule** of the **National Police Service Act** made under **Section 61(2)** the **Conditions as to the Use of Force** require that:

“A1. A police officer shall always attempt to use non-violent means first and force may only be employed when non-violent means are ineffective or without any promise of achieving the intended

A2. The force used shall be proportional to the objective to be achieved, the seriousness of the offence, and the resistance of the person against whom it is used, and only to the extent necessary while adhering to the provisions of the law and the Standing Orders.”

38. In addition to the Conditions on the Use of Force, Police officers are required to abide by the **Conditions as to the Use of Firearms** also contained in the **Sixth Schedule National Police Service Act**. These Conditions provide as follows:

“B1. Firearms may only be used when less extreme means are inadequate and for the following purposes—

a. saving or protecting the life of the officer or other person; and

b in self-defence or in defence of other person against imminent threat of life or serious injury.

B2. An officer intending to use firearms shall identify themselves and give clear warning of their intention to use firearms, with sufficient time for the warning to be observed, except—

a. where doing so would place the officer or other person at risk of death or serious harm; or

b. if it would be clearly inappropriate or pointless in the circumstances.”

39. In the present case, the accused was aware that his assignment was to check whether bhanghi and illegal liquor were being used or stored at the deceased’s premises. Both the prosecution witnesses and the accused’s evidence have no divergence on this issue. So that the purpose of the assignment was to check whether there was a place where bhanghi was being kept and or being grown. Indeed, when PW1 issued the guns to the Accused and PC Mungai, it was to **“....accompany the chief to make inquiries.....on his information that in Gatamaiyu area some bhanghi was being stored”**.

40. Thus the whole object of the assignment can be said to have been in connection with an inquiry on an offence relating to storage of cannabis. The offences for possession and trafficking of cannabis are no doubt serious. Nevertheless, the rules binding the accused are clear that a firearm is to be used, not as a first option, but only, for example, in self defence, or the defence of another, or for saving life. In such instances, an officer intending to use a firearm is required to identify himself and give a clear warning of their intention to use such firearm.

41. In this case, there is no evidence that the accused complied with this rule when he cocked his gun in readiness to use it. There is no evidence that when cocking the gun he intended to save life or that he did so for self defence. Instead, it appears that he cocked the gun in order to use it if necessary to prevent the suspect from escaping arrest. Even then, there is no evidence that the accused either identified himself to the deceased or gave a clear warning of his intention to use his firearm.

42. The accused’s decision to cock his gun as a first step on reaching the deceased’s compound, appears to me to be contrary to the rule requiring the employment of non-violent means to achieve his assignment. In furtherance of his objective, when the accused heard the defiant challenges of the deceased and then heard the banging on the door as the deceased tried to get out through the back door, should have sounded a warning to he accused to move away from the door aware, in particular, that he had cocked his gun. To have a cocked gun for the objective of checking the presence of liquor and bhanghi in the circumstances described is, in all events, poor judgment relative to proportionality of the objective to be achieved.

43. What is clear is that the accused had time to hear the deceased make threats, and heard the deceased **“bang the door until it opened outwards”**. Thus, before and when the alleged scuffle commenced, the deceased was always in danger of being shot at whether intentionally or accidentally. This placed the deceased in a position where greater force was being used than was necessary. The accused said, for example, that he was protecting himself from being hit using his gun which was cocked, hence the alleged cuts on the hand-guard of the gun, and the ultimate slippage of the safety pin.

44. In a case of murder, the state must prove intent to kill or cause grievous harm contrary to **section 206(a) and (b) of the Penal code** and must demonstrate that there was malice aforethought in order to obtain a conviction for the offence of murder. It is the task of this court to establish whether the prosecution discharged the burden of proof beyond reasonable doubt on this ingredient.

45. At the center of it, therefore, is the question whether the evidence adduced by the prosecution witnesses demonstrated either direct or indirect intent for this court to conclude that the accused had malice aforethought. On this ingredient the inquiry is to establish whether the accused’s purpose in pulling the trigger was to kill or cause grievous bodily harm to the deceased. In answer to this question I borrow from an apt quotation by **Lord Zeppin in Republic Versus Moloney [1986] 3 All ER** who observed as follows:

“The issue for the jury was a short and simple one. If they were sure that at the moment of pulling the trigger which discharged the live cartridge, the appellant realized that the gun was pointing straight at his step father’s head, they were bound to convict him of murder. If on the other hand they thought it ought to be true that in the appellant’s drunken condition and in the further of this ridiculous challenge, it never entered the appellant’s head when he pulled the trigger that the gun was pointing at his step-father; he should be acquitted of murder and convicted of manslaughter “.

46. In the present case, it is clear that the accused did not intentionally point his gun at any vital part of the deceased’s body. However, by cocking the gun he knew what his actions could result to. By cocking it, and putting in the safety pin, he was prepared to shoot or to have the gun discharge. Such an act could lead to death if the gun discharged and a bullet hit a victim. He was fully aware what his actions could cause noting that he was using a gun which is a deadly weapon. However, I am unable to find that the accused had malice aforethought leading to the killing of the deceased.

47. The evidence does, however, point to the fact that the accused took actions which led to the death of the deceased. He also failed to act in accordance with the requirements of the National Police Service Act in respect of the use of force and conditions for use of firearms, as earlier pointed out. In the case of **Joseph Kimani Njau V Republic [2014] eKLR** the Court of Appeal stated:

“In all criminal trials, both the actus reus and the mens rea are required for the offence charged; they must be proved by the prosecution beyond reasonable doubt. The trial court is under a duty to ensure that before any conviction is entered, both the actus reus and mens rea have been proved to the required standard. In the instant case, the trial court erred in failing to evaluate the evidence on record and to determine if the specific mens rea required for murder had been proved by the prosecution.....

In the present case, the circumstances that led to the fight between the appellant and deceased remain unclear; the motive or reason for the fight remains uncertain; it is an error of law to invoke circumstantial evidence when malice aforethought for murder has not been established. We find that mens rea for murder was not proved. Failure to prove mens rea for murder means that an accused person may be convicted of manslaughter which is an unlawful act or omission that causes death of another”.

48. In the absence of malice aforethought the unlawful killing is termed as manslaughter. The accused pleaded self defence: That the deceased charged out at him when the door opened; that the deceased attacked him with a knife; that the deceased fought him and tried to pry his gun from him; that the accused's gun was damaged in the fracas; and that the gun went off during the tussle. This was almost inevitable given that the accused stood at the door that night not having given the deceased any warning that he was there with a cocked gun.

49. **Section 202** of the **Penal Code** defines manslaughter as the unlawful act or omission which causes the death of another. And an unlawful omission is one which amounts to culpable negligence to discharge a duty tending to the preservation of life or health whether such omission is or is not accompanied by an intention to cause death or bodily harm.

50. In the case of **Peter Kiambi Muriuki V Republic [2013] eKLR** the Court of Appeal in reducing a charge of murder to manslaughter where the evidence did not prove *mens rea* stated as follows:

“In Nzuki -V- Republic (1993) KLR 171, the Court in substituting Nzuki’s charge of murder with manslaughter observed:

‘...there was a complete absence of motive and there was absolutely nothing on the record from which it can be implied that the appellant had any one of the intentions outlined for malice aforethought when he unlawfully assaulted the deceased with the fatal consequences. Other than observing that the appellant viciously stabbed the deceased and in so doing intended to kill or cause him grievous harm, the trial court did not direct itself that the onus of proof of that necessary intent was throughout on the prosecution and the same had been discharged to its satisfaction in view of the circumstances under which the offence was committed. Having not done so, we are uncertain whether malice aforethought was proved against the appellant beyond any reasonable doubt. In the absence of proof of malice aforethought to the required standard, the appellant’s conviction for the offence of murder is unsustainable. His killing of the deceased amounted only to manslaughter.’

.....

Their evidence did not prove mens rea and did not establish malice aforethought. We find that murder was not adequately established and proved to the required mens rea standard and we agree with the state that the charge of murder should be reduced to manslaughter. The upshot is that we quash the conviction for murder and set aside the death sentence and substitute in its place a conviction for manslaughter”.

51. In the case of **Republic v Andrew Mueche Omwenga [2009] eKLR** the Court reduced the charge of murder to manslaughter and stated:

“Adequate provocation, especially when coupled with self defence, can reduce a murder charge to manslaughter – Mbugua Kariuki vs Republic, [1976-80] 1KLR 1085 and Republic vs Gachanja, [2001] KLR 428. This is also legislated in Section 207 of the Penal Code in the following words:-

“When a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation as hereinafter defined, and before there is time for his passion to cool, is guilty of manslaughter only”.

52. Applying the principles in the above authorities to the facts highlighted in this case, I am satisfied that the deceased's death was caused by the negligent acts and omissions of the accused.

53. For the reasons stated herein and on the principles set out above, I reduce the charge of murder to manslaughter. I accordingly acquit the Accused of the charge of murder but hereby convict him of the offence of manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.

Dated and Delivered at Naivasha this 3rd Day of July, 2019.

RICHARD MWONGO

JUDGE

Delivered in the presence of:

1. Mr. Koima for the State
2. Mr. Gichuki Advocate for the Accused
3. Accused - George Waweru - present
4. Court Clerk - Quinter Ogutu