

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 12 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

MUMO MUNG'ATIACCUSED

RULING

1. **Mumo Mung'ati**, the accused, is charged with **Murder contrary to Section 203 as read with Section 204 of the Penal Code (Cap. 63), Laws of Kenya**. Particulars are that on the **18th day March 2018** at **Kiluku village** in **Mwingi East Sub County** within **Kitui County** murdered **William Nguli Ndonyi (Deceased)**.
2. Facts of the case are that on the **18th day of March 2018**, the deceased was at home with PW1, **Ruth Kathina Ndonyi** his wife. He was shot by an arrow. PW1 checked only to see the Accused holding a bow ready to shoot another arrow. She ran, held him and they struggled until they fell down and he managed to escape. She called out for help, **PW2 Mwangangi Nguli**, her son got a pliers and used it to pull out the arrow that was embedded on the upper part of the abdomen. They notified the Chief but by the time he arrived the deceased passed on. His mortal remains were taken to **Mwingi Sub-county Hospital**. Thereafter, the postmortem was conducted and the cause of death was stated to be exsanguination due to traumatic abdominal aorta disruption/transection due to penetrating abdominal injury.
3. At the close of the prosecution's case the accused was placed at the scene of the incident and identified as the person who held the bow and arrows and was about to shoot another one.
4. In the premises he must give an explanation of what transpired. I therefore call upon him to render the explanation pursuant to the Provisions of **Section 306 (2) of the CPC**.
5. It is so ordered.

Dated, Signed and Delivered at Kitui this **11th day of September 2019**

L.N. MUTENDE

JUDGE