



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MAKUENI**

**HCCR NO. 11 OF 2018**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**MATHIAS MUTINDA MUNGUTI.....ACCUSED**

**RULING**

1. The accused **Mathias Mutinda Munguti** is charged with the offence of Murder contrary to Section 203 as read with Section 204 Penal Code. The particulars being that the accused killed **Dominic Mwanja Matheka** who the witnesses referred to as Mambo.
2. The accused denied the charge. The prosecution presented six (6) witnesses to prove it's case.
3. **Pw1 Mwangangi Matheka, Pw2 Silvester Kiinde Munguti, Pw4 Michael Kasina Nzalu and Pw6 George Muli Mutuku** explained to the court what they saw and heard that night.
4. **Pw3 Stephen Muli Musembi and Pw5 Julius Kalunda** also told the court the role they played at the scene.
5. I have considered the submissions by the defence. I am satisfied that the prosecution has established a prima facie case requiring the accused to make his defence under Section 306 (2) Criminal Procedure Code.

Orders accordingly.

**DELIVERED, SIGNED & DATED THIS 17<sup>TH</sup> DAY OF OCTOBER 2019, IN OPEN COURT AT MAKUENI.**

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**H. I. ONG'UDI**

**JUDGE**