

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCR NO. 115 OF 2017

FORMERLY MACHAKOS HCCRC 11 OF 2014

REPUBLIC.....PROSECUTION

-VERSUS-

FREDRICK MAKAU KASIYA.....ACCUSED

RULING

1. The accused **Fredrick Makau Kasiya** stands charged with the offence of Murder contrary to Section 203 as read with Section 204 Penal Code. The particulars being that on the night of 17th and 18th February, 2014 he killed **Francis Mutua Kasiya**. He denied the charge.
2. The prosecution called a total of seven (7) witnesses. There is no eye witness to the killing. The witnesses have explained to the court what they saw and what the investigations revealed.
3. Mr. Muia for the accused gave an analysis of the evidence and submitted that the prosecution did not establish a prima facie case against the accused.
4. I have weighed the circumstantial evidence adduced and the submissions by the defence. I am satisfied that the prosecution has adduced sufficient evidence which has formed a prima facie case against the accused person.
5. I hereby place him on his defence under Section 306 (2) Penal Code.

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 9TH DAY OF OCTOBER 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE