

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 1 OF 2018

REPUBLIC.....PROSECUTION

VERSUS

MARTIN MUSAU MBWIKA.....ACCUSED

RULING

1. The accused **Martin Musau Mbwika** stands charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. He is alleged to have killed **Florence Nzilani Ngumbau** on 3rd January 2018. He pleaded not guilty to the charge.
2. The prosecution called a total of ten (10) witnesses. Their evidence is clear on what they saw, heard and did on the 3rd January, 2018 as far as this matter is concerned. Mr. Hassan for the accused filed his submissions stating the whole of the prosecution's evidence. He submitted that the accused had no intention of killing but he acted due to his unsound state of mind.
3. Upon considering the entire evidence plus the counsel's submissions, I find that the prosecution has placed the accused at the scene of the murder.
4. I am satisfied that the prosecution has established a prima facie case against the accused who I hereby place on his defence under Section 306(2) Criminal Procedure Code.

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 8TH DAY OF OCTOBER 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE