

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

CRIMINAL CASE NO. 2 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

JAMES MUSHOKI MUTINDA.....ACCUSED

R U L I N G

1. **James Mushoki Mutinda**, the Accused, is charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code (Cap. 63), Laws of Kenya**. Particulars of the offence are that on the **29th** day of **December, 2016** at **Kanyangi Location, Lower Yatta Sub-County** within **Kitui County** murdered **Wambua Ngwava** (Deceased).
2. At the close of the Prosecution's case the fact of death was established and sufficient evidence was adduced requiring the Accused to give an explanation of what transpired.
3. Therefore, I call upon the Accused to render evidence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code**.
4. It is so ordered.

Dated, Signed and Delivered at Kitui this 19th day of November, 2019.

L. N. MUTENDE

JUDGE