



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KITUI**

**CRIMINAL CASE NO. 38 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**ROBERT MBUVI NGWEKWE.....ACCUSED**

**RULING**

1. Upon arraignment in Court, the Accused was 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 night of **13<sup>th</sup>** day of **June, 2014** at **Kanyonyo Sub-Location, Kanyonyo Location** within **Kitui County**, jointly with another not before Court murdered **Antony Kasala Nguthu** and **Kalimi Musangi** (Deceased).
2. At the close of the Prosecution's case the fact of death was established. The cause of death in both incidents was stated to be cardio-pulmonary collapse due to severe bleeding (haemorrhage) secondary to cut wounds.
3. Circumstantial evidence adduced require the Accused to give an explanation regarding what happened prior to the bodies of the deceased persons being found. Therefore, I call upon him to do so 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 19<sup>th</sup> day of November, 2019.**

**L. N. MUTENDE**

**JUDGE**