

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR NO. 08 OF 2017

FORMERLY MACHAKOS HCRC. 19 OF 2015

REPUBLIC.....PROSECUTION

-VERSUS-

THOMAS MULI KIOKO.....ACCUSED

RULING

1. **Thomas Muli Kioko** the accused is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The deceased **Judith Nthenya Muthama** was the accused's wife.
2. The prosecution presented eight (8) witnesses who have stated what they each saw, heard and did. The prosecution relied on this evidence without filing any submissions.
3. Mr. Kimeu for the accused filled submissions together with authorities. His main submission is that there is nothing linking the accused to the murder of the deceased.
4. I have carefully evaluated the evidence and I find that the prosecution has made out a case requiring the accused to make a defence.
5. I accordingly place him on defence under section 306(2) Criminal Procedure code.

Orders accordingly.

Delivered, signed & dated this 17th day of December 2019, in open court at Makueni.

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H. I. Ong'udi

Judge