

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCR NO. 126 OF 2017

REPUBLIC.....PROSECUTION

VERSUS

NDOLO NZYUKOACCUSED

RULING

1. The accused stands charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The offence is said to have been committed on the night of 7th and 8th October, 2017.
2. The cause of death was shown to be penetrating injuries to the back causing massive blood loss from IVC (*Inferior Venacava*) secondary to a stab wound (EXB 2). Pw1 and Pw2 who were in the same house with the deceased on this night testified on what they saw, heard and did.
3. Mr. Hassan counsel for the accused in his submissions after setting out the evidence by the witnesses contends that the prosecution did not prove the critical ingredients of the offence of murder.
4. Having considered all the evidence and the submissions, I find that the prosecution has made out a case against the accused who I hereby place on his defence under section 306(2) Criminal Procedure Code.

Delivered, signed & dated this 3rd day of December 2019, in open court at Makueni.

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H. I. Ong'udi

Judge