



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 46 OF 2013**

**REPUBLIC.....PROSECUTION**

**VS**

**1. AMBROSE KATHARU M'ITUBIRI**

**2. SEBERIO KOBIA MUNORU ALIAS ZEBERIO MUGAMBI KABUSERIA**

**3. DOMINIC MUCHIRI MUNORU ALIAS KOBIA MUNORU.....ACCUSED**

**RULING**

The accused persons Ambrose Katharu M'Itubiri alias M'Muraga, Seberio Kobia Munoru alias zeberio Mugambi Kabuseria and Dominic Muchiri Munoru alias Kobia Munoru were jointly charged with the offence of murder contrary to section 203 as read with section 204 of the penal code.

The particulars are that on the night of 4<sup>th</sup> April 2013 at Giika Location in Igembe South District within Meru County, the accused persons jointly with others not before the court murdered Erick Mwenda.

PW2 said he positively identified 5 people who attacked him and his deceased cousin on the material night and shot his cousin in the ribs with an arrow and he was cut in the hand.

He says of the 5 assailants, 3 were arrested and charged one died and one is still at large. On the basis of PW2's recognition of the assailants they were arrested and charged.

PW2 said he knew the accused persons and this court finds that his evidence though of a single witness is believable unless properly challenged by the accused persons. Accused persons are therefore called upon to defend themselves.

**HON. A.ONG'INJO**

**JUDGE**

**RULING SIGNED, DELIVERED AND DATED THIS 12<sup>TH</sup> DAY OF JULY 2018.**

**IN THE PRESENCE OF:**

C/A:-Penina

Prosecution: - Mrs Mwathi for state

Accused: A1 – Present in person

A2- Present in person

A3 – Present in person

Ms Thibaru Advocate holding brief for Mutegi for Accused persons

**HON. A.ONG'INJO**

**JUDGE**

**Court**

S.211 C.P.C explained to accused persons and they reply.

A1 – Sworn

- One witness

A2 – Sworn

- One witness

A3 – Sworn

- One witness

**Order**

Dhg 9.8.18

**HON. A.ONG'INJO**

**JUDGE**