

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO. 14 OF 2012

[FORMERLY NYERI HCCR 21 OF 2012]

REPUBLIC.....PROSECUTOR

VERSUS

PATRICK MACHARIA MUIRURI *alias* MACHAA.....ACCUSED

RULING

1. The accused is charged with *murder* contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that on the night of 21st and 22nd May 2012 at Nguku Trading Centre, Githima Sub-location, Murang'a County, he murdered *Elijah Kiarie Mwangi*.
3. He pleaded *not guilty*. The prosecution called *six* witnesses. I have considered the *direct* and *circumstantial* evidence surrounding the homicide in this case. I have in particular paid close attention to the evidence of PW1, PW2, PW4 and PW5 who all stated that *Machaa* poured paraffin on the deceased's clothing and set him alight.
4. I am well guided by *Bhatt v Republic* [1957] E.A. 332, *R v Kipkering arap Koske & another* 16 EACA 135 (1949). On the summation of the evidence of the *all the six* witnesses, I am persuaded that the Republic has established a *prima facie* case against the accused.
5. Accordingly, under the provisions of section 306 (2) of the Criminal Procedure Code, I put the accused on his defence.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 9th day of October 2018.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Ms. Gichuru for the Republic.

Ms. Dorcas and Ms. Elizabeth, Court Clerks.