



**REPUBLIC OF KENYA**

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

**HCCR NO.3 OF 2016**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**ANDREW LUVOGA SUKUNWA.....ACCUSED**

**R U L I N G**

The accused person **Andrew Luvoga Sukunwa** faces three counts of murder contrary to section 203 as read with section 204 of the CPC.

On the 1<sup>st</sup> Count, it was alleged that on the 15<sup>th</sup> day of March, 2016 at Mathari area within Nyeri County, murdered Rosemary Wihuini Wambui.

On the 2<sup>nd</sup> Count, it was alleged that on the 15<sup>th</sup> day of March, 2016 at Mathari area within Nyeri County, murdered Esther Wanjira Wambui.

On the 3<sup>rd</sup> Count, it was alleged that on the 15<sup>th</sup> day of March, 2016 at Mathari area within Nyeri County, murdered Christine Wangui Wambui.

He took plea on 30<sup>th</sup> March 2016 before Mativo J and pleaded NOT GUILTY to each one of them.

The trial took off before me on 22<sup>nd</sup> November 2017, and on 8<sup>th</sup> October 2018 the prosecution closed its case after calling 12 witnesses.

At this stage the court is supposed to determine whether the prosecution has established a prima facie case to warrant the accused person to be placed on his defence as required by s.306 (2) of the Criminal Procedure Code.

I have carefully considered the evidence before me. I have considered the submissions made by the defence- urging me to find that no prima facie case has been made out and the state urging for a contrary finding.

I am persuaded that a *prima facie case* has been made out to warrant the accused being put on the defence to warrant compliance with s.306 (2) of the Criminal Procedure Code.

**Dated delivered and signed in open court at Nyeri this 16<sup>th</sup> Day of November 2018.**

**Mumbua T Matheka**

**Judge**

In the presence of:

CA Esther

Accused present

Ms Macharia for the accused person

Mrs Owuor for the State