

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 5 OF 2013

REPUBLIC PROSECUTOR

VERSUS

GEOFFREY KINJUANJUI GICHOHI.....ACCUSED

RULING

The accused **GEOFFREY KINYANJUI GICHOHI** faces a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The particulars of the charge were that

“On the 14th day of January 2013 at Mugumo Village, Rurii Location in Nyandarua County, murdered BRIAN MUHORO GICHOHI”

The accused entered a plea of ‘**Not Guilty**’ to the charge. The accused was first arraigned in court in January 2013 but it was not until May 2014 that his trial commenced. The prosecution only called one (1) witness in support of the case. This was **DR. PATRICK KARUIKI** who was by then stationed at Olkalau Hospital.

PW1 testified that an autopsy was conducted on the body of the deceased on 15/1/2013. The deceased was found to have sustained a fractured skull. The cause of death was opined to be ‘**severe head injury consistent with blunt injury to the head**’. The duly completed and signed post mortem report was produced as an exhibit **P.exb 1**.

No other witness was availed by the prosecution in this case. Despite several adjournments granted by the court the prosecution failed and/or declined to produce any other witness.

As it is all the court can with certainty is that the deceased died. There is no evidence whatsoever linking the accused to the death of the deceased. No *prima facie* case had been established. I therefore enter a verdict of ‘**Not Guilty**’ and I acquit the accused of this charge of murder. The accused is to be set at liberty forthwith unless he is otherwise lawfully held.

Dated in Nakuru this 27th day of January, 2017.

Ms Yebei holding brief for Mr. Orege

Maureen A. Odera

Judge