

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 39 OF 2012

(FORMERLY NYERI HC CRIMINAL CASE NO 34 OF 2010)

REPUBLIC.....PROSECUTOR

VERSUS

NJOROGE KAMANDE KANG'ETHE.....ACCUSED

R U L I N G

1. The Accused herein **Njoroge Kamande Kang'ethe** (alias **Fire**) is charged with **murder** contrary to **section 203** (as read with **section 204**) of the **Penal Code**. It is alleged in the information dated 21/09/2010 that on 06/09/2010 at Githuya Village in Murang'a South District within Central Province, he murdered one **Kamande Mwangi Rubue**.

2. On 06/10/2010 the Accused pleaded not guilty at the High Court, Nyeri. On 21/11/2012 the case was transferred to this court without the trial having commenced. Trial eventually commenced before my predecessor, Ngaah, J on 15/04/2014. The judge took the evidence of three prosecution witnesses before he was transferred to another station.

3. The trial continued before me from 09/11/2015. On 16/11/2016 the prosecution closed its case having called a total of seven witnesses. Neither the prosecution counsel nor the defence counsel wished to make any submissions under section 306 of the **Criminal Procedure Code**.

4. I have perused the evidence as recorded by Ngaah, J (PW1, PW2 and PW3) and by myself (PW4, PW5, PW6 and PW7). I consider that there is evidence that the Accused committed the offence charged. I shall therefore proceed to fully comply with section 306(2) of the Criminal Procedure Code after delivery of this ruling.

DATED AND SIGNED AT MURANG'A THIS 14TH DAY OF FEBRUARY 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 17TH DAY OF FEBRUARY 2017