



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL CASE NO. 73 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PETER MACHARIA KARANJA.....ACCUSED**

**JUDGMENT**

The accused **PETER MACHARIA KARANJA** 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

***“Between 21<sup>st</sup> and 22<sup>nd</sup> July, 2013 at Kabati Estate in Naivasha Municipality of Nakuru County, murdered Jacinta Muthoni Kihiu”.***

The accused pleaded ‘**Not Guilty**’ to the charge.

The accused was first arraigned before the High Court at Nakuru on 1<sup>st</sup> August 2013. His trial did not commence until 19<sup>th</sup> May, 2015 when one witness **LUCY WAIRIMU KIHU** testified.

Thereafter the prosecution did not avail any other prosecution witness. On 19/11/2016 the court gave a final adjournment. On the next hearing date of 15/12/2016 no prosecution witness was availed and the prosecution had no option but to close their case.

It goes without saying that no prima facie case has been established. The calling of a single witness would hardly suffice to prove so serious a charge as murder. No doctor testified on the cause of death. No post-mortem report was produced. The prosecution case fell way short of proving a ‘**prima facie**’ case. I 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 and Delivered in Nakuru this 10<sup>th</sup> day of February, 2017.**

Mr. Khatiri for Accused

Mr. Chigiti for State

**Maureen A. Odero**

**Judge**