

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 20 OF 2010

REPUBLIC.....STATE

VERSUS

DAVID NJENGA KAHIU.....1ST ACCUSED

JOYCE KATHAMBI SOLOMON.....2ND ACCUSED

SAMSON MUIGAI NGURU.....3RD ACCUSED

RULING

The three accused persons **DAVID NJENGA KAHIU** (hereinafter referred to as the 1st accused), **JOYCE KATHAMBI SOLOMON** (hereinafter referred to as the 2nd accused) and **SAMSON MUIGAI NGURU** (hereinafter referred to as the 3rd accused) all jointly face a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. All three accused persons pleaded 'Not Guilty' to the charge.

The prosecution called a total of fifteen (15) witnesses in support of their case. I have considered the evidence adduced by the prosecution witnesses.

With respect to the 1st and 2nd accused persons I am satisfied that a prima facie case has been established and I do direct that the two shall give their defence to the charge.

With respect to the 3rd accused I find that no prima facie case has been established. Reasons will be given in the final judgment. I enter a verdict of 'Not Guilty' in respect of the third accused **SAMSON MUIGAI NGURU** and I acquit him of this charge of murder.

The 3rd accused is to be set at liberty forthwith unless he is otherwise lawfully held.

Dated and Delivered in Nakuru this 3rd day of March, 2017.

Mr. Kemboi holding brief for Mr. Wambeyi

Court – Defence hearing on 2/5/2017.

MAUREEN A. ODERO

JUDGE