



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 101 OF 2014**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**CHARLES CHACHA MASURI.....ACCUSED**

**RULING**

I have carefully perused the evidence of the five prosecution witnesses in this case. I do agree with the defence that the evidence against the accused person is purely circumstantial. It is not in doubt that there are instance where the accused person was with the deceased. I have also scrutinized the evidence of PW3 that when the accused person was confronted by the brothers to the deceased he denied that he had met the deceased at any other time save the afternoon of the previous day before the deceased died. PW3 disproved that.

By taking the evidence as a whole, I find that the accused person has a case to answer. He is hereby placed on his defence accordingly, **Section 306 (2) of the Criminal Procedure Code** duly complied. .

**DELIVERED, DATED and SIGNED at MIGORI this 12<sup>th</sup> day of June 2017.**

**A.C. MRIMA**

**JUDGE**