

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL CASE NO. 10 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

CHRISTOPHER MUSAVI KYALO.....1ST ACCUSED

MUTISO PETER.....2ND ACCUSED

R U L I N G

1. **Christopher Musavi Kyalo** and **Mutiso Peter**, the 1st and 2nd Accused persons respectively are charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code (Cap. 63), Laws of Kenya**. Particulars of the offence are that on the 5th day of **September, 2006** and 6th day of **September, 2006** at **Mosquito Estate** in **Kitui Town** of **Kitui District** within the **Eastern Province** murdered **Fredrick Kimanzi Munuve** (Deceased).

2. Facts of the case are that **Fredrick Kimanzi Munuve** (Deceased) was found in his house lying down in a pool of blood with penetrating stab wounds to the lower limbs, chest and heart. The matter was reported to the police who investigated the case and arrested the Accused persons.

3. Investigations carried out culminated into the recovery of items stated to belong to the Deceased in houses that were alleged to be for the Accused persons.

4. At the close of the Prosecution's case, sufficient evidence had been adduced that raised facts in question that would result into the Accused persons' conviction unless rebutted. On that basis I find a *prima facie* case having been established that requires the Accused persons to be put on their defence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code** which I hereby do.

Dated, Signed and Delivered at Kitui this 1st day of March, 2016.

L. N. MUTENDE

JUDGE