

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.28 OF 2010

REPUBLIC.....PROSECUTOR

VERSUS

JAMES MAINA KIMANI ALIAS JIMMY..... ACCUSED

RULING

The accused **James Maina Kimani alias Jimmy** is facing trial for the murder of one **Samuel Gichimu Waruta**. The offence is alleged to have been committed on 17th May 2010 at about 6.30p.m. at Namis Pub in Gitambaa village of Thika District within Central Province.

The prosecution has called 8 witnesses. The facts of the case as narrated by the prosecution witnesses are that the deceased and the accused engaged in a fight in which the deceased was stabbed. The post-mortem report shows that the deceased bled to death. At the close of the prosecution case, both the prosecution and defence counsel tendered submissions. I have carefully considered the evidence and the submissions now on record.

I have come to the conclusion that the prosecution has established a prima facie case against the accused. He is at liberty to make an election on his defence in accordance with Section 306 of the Criminal procedure Code.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 11th day of May, 2016.

R. LAGAT-KORIR

JUDGE

In the presence of:-

.....: Court clerk

.....: Accused

.....: For accused

.....: For State