



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 2 OF 2015**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOEL MULI NGUTHU.....ACCUSED**

**R U L I N G**

**1. Joel Muli Nguthu, “the Accused” is 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 5<sup>th</sup> day of September, 2015 at Mwaeni Village, Chuluni Division in Nzambani District within Kitui County he murdered Muyendi Mutua Nguthu (Deceased).**

2. The Deceased herein was a wife of the Accused. On the 5<sup>th</sup> September, 2015 at about 9.00 p.m. PW1 Eric Kidusi Muli was woken up by screams. It turned out that the Deceased and Accused were quarrelling. PW1 ran out to call his grandparents, on their return they encountered the Accused who alleged that the Deceased had run away. He left the vicinity of their house. On checking inside the house they found the Deceased on the bed that was broken with a sheet stuffed in her mouth. Ultimately she was taken to hospital where she was pronounced dead.

3. An autopsy conducted on her body revealed that she died as a result of hypoxia caused by strangulation.

4. At the close of the Prosecution’s case, there is sufficient evidence establishing that the Accused may have committed the offence in issue. Consequently he should address the court in his defence if he so wishes pursuant to the provisions of Section 306(2) of the Criminal Procedure Code.

5. It is so ordered.

**Dated, Signed and Delivered at Kitui this 11<sup>th</sup> day of May, 2016.**

**L. N. MUTENDE**

**JUDGE**