

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CRIMINAL CASE NO 3 OF 2013

(FORMERLY NAIROBI HC CR CASE NO 50 OF 2013)

REPUBLIC.....PROSECUTOR

VERSUS

ALEXANDER MBURU WANJIKU..... ACCUSED

R U L I N G

1. The Accused in this case is charged with *murder* contrary to **section 203 as read with section 204** of the **Penal Code**. It is alleged in the information dated 19/04/2013 that on 28/03/2013 in Thika Township within Kiambu County he murdered one **Julius Kang'ethe Mburu**. On 26th June 2013 the Accused pleaded not guilty to the charge. By a ruling dated and delivered on 22/11/2013 he was admitted to bail pending his trial. For various reasons appearing on the court record the Accused's trial has never commenced.

2. On 02/03/2016 the prosecution informed the court that they intended to seek the court's permission to terminate these proceedings against the Accused by entering a *nolle prosequi*. They sought time to first discuss the matter with the victim's family. On 14/06/2016 Mr. Njeru, learned prosecution counsel, informed the court that he had reviewed the circumstances of this case as set out in the case summary contained in the bundle of documents availed to the Accused and to the court, and also the available evidence. In his considered view it would not be a profitable use of the court's time, and effort by the prosecution, to proceed with the case. He therefore sought to terminate the proceedings by entry of a *nolle prosequi*. Learned counsel for the Accused, Mr. Kirubi, had no objection.

3. I have perused the bundle of documents mentioned by Mr. Njeru, which include witness statements. Having done so, I will allow the prosecution to terminate these proceedings by *nolle prosequi*. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 13TH DAY OF JULY 2016

H P G WAWERU

JUDGE

DELIVERED AT MURANGA THIS 15TH DAY OF JULY 2016