



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL CASE NO. 124 OF 2014**

REPUBLIC .....PROSECUTOR

VERSUS

PETER MUTHEE KAMAU .....ACCUSED

**RULING**

The accused person **PETER MUTHEE KAMAU** faces a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE.** The particulars of the offence were that

***“On the night of 15<sup>th</sup> December, 2014 and 16<sup>th</sup> December, 2014 at Ndururumo Village in Laikipia West, within Laikipia County, murdered TARKOK CHEPKOMET”***

The accused was first arraigned before the High Court in Nakuru on 9/12/2014. He took plea on 2/2/2015 when he pleaded ‘**Not Guilty to the offence**’. The hearing was set to commence on 18/6/2015.

On the first hearing date 3 witnesses were present but the hearing did not proceed. From that date no witness appeared in court on subsequent hearing dates. On 9/12/2015 the court was informed that the witness could not be traced. On 13/4/2016 no witness was in court and the investigating officer was also absent. On 30/6/2016 no witness was in court and the investigating officer also did not bother to attend court.

It is quite clear that the prosecution have lost interest in this case. The accused cannot be held in remand indefinitely. No evidence at all has been offered to support the charge. I acquit the accused of the offence of murder. The accused is to be set at liberty forthwith unless he is otherwise lawfully held.

**Dated in Nakuru this 1<sup>st</sup> day of July 2016**

Ms Kerubo for accused

**Maureen A. Odero**

**Judge**