

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 42 OF 2012

REPUBLIC.....PROSECUTOR

-VERSUS-

GEOFFREY KIPKOSGEI KOROS.....1ST ACCUSED

BERNARD CHERUIYOT KIPLANGAT.....2ND ACCUSED

RULING

1. The two accused persons were charged with the offence of murder contrary to **Section 203** as read together with **Section 204** of the **Penal Code**. The particulars of the offence as per the Information dated 4th September 2012 were that on 6th April 2012, at Sirikwa in Kuresoi District within Nakuru County the two accused persons jointly murdered Peter Kipkorir.

2. I have reviewed the Prosecution evidence. The Prosecution established that the deceased was murdered contrary to **Section 203** of the **Penal Code**. **Dr. Francis Thaithi Blanco, (PW6)** testified that the postmortem of the deceased revealed that he died due to a severe head injury secondary to trauma.

3. The evidence of **Joyce Khavere, PW1** and **Joseph Soi, PW2** placed the accused persons at the scene where the deceased was attacked. **PW1** testified that she saw the 2nd Accused outside their house and heard him say of the deceased, “*that is him*”. **PW2** also testified that he saw and identified the 1st Accused who barged into his house that fateful night with the deceased.

4. On this evidence I find that the Prosecution has established a *prima facie* case against the Accused persons and that they have a case to answer. I accordingly put them on their defence in terms of **Section 306 (1)** of the **Penal Code**.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 8th day of May, 2015.

A. MSHILA

JUDGE