



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**

**CRIMINAL CASE NO. 43 OF 2011**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**DORIS MWENDWA.....ACCUSED**

**RULING**

Doris Mwendwa, the accused before the court, is charged with murder contrary to section 203 read with section 204 of the Penal Code. It is alleged that she murdered Doreen Gatwiri Gituma on 14<sup>th</sup> May 2011 at Gachororo Village within Kiambu County. The accused appeared in court for the first time on 20<sup>th</sup> May 2011 but the plea was not taken until 13<sup>th</sup> March 2012. For reasons appearing on the record, hearing of the case did not commence until 15<sup>th</sup> October 2014!

Three witnesses have testified for the prosecution. From the evidence of PW1 John Michael Bundi, the deceased who was his girlfriend was stabbed at the door of their house at Gachororo in Juja. She was attacked by an assailant who PW1 said was the accused as PW1 was trying to light a lamp to illuminate the house. This was on 14<sup>th</sup> May 2011 and the time is placed as after 7.00pm. PW1 in company of the deceased and one Judy had just returned from buying vegetables from Gachororo market when the deceased was attacked. PW1 told the court that he entered the house first leaving the deceased and Judy outside. He had no electricity in the house and while looking for the lamp to light he heard screams from outside. He went outside and found the deceased on the ground and Judy being chased by someone. He followed the assailant whom he identified as the accused. He said he called her by name and she turned towards him. With help of electricity he was able to confirm her identity but was unable to catch up with her because she entered into some thickets. The accused was arrested later from a house and later charged with this offence. Other than PW1 no other civilian witness testified. The prosecution had difficulties in getting witnesses.

At this stage this court is not required to analyze all the evidence but to examine it with a view to determining whether there is sufficient evidence for the court to make a finding that a prima facie case has been made out against the accused as to require her to be put on her defence. Having carefully examined all the evidence and submissions by both counsel, I arrive at a conclusion that the accused person has a case to answer. Consequently, the accused is hereby put on her defence. She is informed of her rights under section 306 (2) of the Criminal Procedure Code to inform this court of the manner she intends to defend herself and whether she will be calling any witnesses in her defence. I make orders accordingly.

**Dated, signed and delivered this 16<sup>th</sup> day of July 2015.**

**S. N. MUTUKU**

**JUDGE**

**In the presence of:**

Ms Florence Magoma, counsel for the prosecution

Mr. Muoki, counsel for the accused

Ms Doris Mwendwa, the accused

Mr. Daniel Ngumbi, Court Clerk