

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 76 OF 2011

REPUBLIC STATE

versus

PETER NGUGI MWAURA ACCUSED

RULING

1. **PETER NGUGI MWAURA** alias **MBUI** is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code in that on the 11th day of May, 2011 at Loitoktok Township in Loitoktok District within Kajiado County unlawfully murdered **MARY WAITHERA (Deceased)**.
2. According to the evidence adduced by the prosecution, the deceased was assaulted and rushed to Loitoktok District Hospital. She died while undergoing treatment. The autopsy performed on her body revealed that the cause of death was internal bleeding secondary to blunt thoracic injury.
3. The accused herein was identified as the person who committed the *actus reus*. Having considered evidence adduced by the prosecution in totality, I find a prima facie case having been established requiring the accused to defend himself pursuant to the provisions of section 306(2) of the Criminal Procedure Code.
4. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 15th day of July, 2015.

L.N. MUTENDE

JUDGE