

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 34 OF 2006

REPUBLIC.....PROSECUTOR

VERSUS

RICHARD MWATHI NYAMBURA.....1ST ACCUSED

MICHAEL MWANGI NYAMBURA.....2ND ACCUSED

RULING

Richard Mwathi Nyambura and **Michael Mwangi Nyambura** are jointly charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on the 14th day of February 2006 at Ting'ang'a Village in Kiambu District within Central Province they murdered **Elizabeth Wanja**. The prosecution has called 9 witnesses to advance its case.

The gist of the prosecution case is that the deceased, a 5 year old girl went missing after her mother sent her to a shop nearby to buy Royco cubes. After a search conducted by the family, Administration Police officers and concerned residents, her defiled lifeless body was found under the bed in a room belonging to the accused persons.

After considering the evidence now on record as well as submissions by respective counsel, I find that the prosecution has established a *prima facie* case against the both accused persons. They are at liberty to exercise the defence options available to them under Section 306 of the Criminal Procedure Code.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 7th day of October, 2015

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk

.....: 1st accused

.....: 2nd accused

.....: For 1st accused

.....: For 2nd accused

.....: For the State