



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 54 OF 2014**

REPUBLIC.....PROSECUTOR

VERSUS

WILLIAM MBITHI NGALI.....ACCUSED

**RULING**

William Mbithi Ngali, the accused, is charged with murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence are that on the 1<sup>st</sup> day of April 2014 at Donholm Estate within Nairobi County murdered Simon Kariuki Njoroge.

At the conclusion of the case for the prosecution after calling nine (9) witnesses, it is the duty of this court to analyze the evidence and make a finding whether the prosecution has made out a prima facie case to persuade the court to call upon the accused to defend himself.

The deceased, Simon Kariuki Njoroge, was stabbed on 1<sup>st</sup> April 2014 at Donholm. He died on 22<sup>nd</sup> June 2014 while undergoing treatment at Kenyatta National Hospital. The accused was arrested and charged with the murder. He was identified in court as the person who stabbed the deceased following an argument associated with work (both accused and deceased were loaders/off loaders of sand at the time of this incident). The cause of death has been given as septic shock due to multiple infections in the body cavities due to the injuries.

After due consideration of the evidence and the submissions by defence counsel, I make a finding that there is evidence establishing a prima facie case against the accused person. Consequently, I proceed to put him on his defence. In compliance with section 306 (2) of the Criminal Procedure Code, I hereby inform the accused of his right to defend himself and to inform the court the manner he wishes to tender his defence, whether by taking oath or without taking oath. He is also informed of his right to call witnesses in his defence. Orders shall issue accordingly.

**Dated, signed and delivered in open court this 10<sup>th</sup> November 2015.**

**S.N.MUTUKU**

**JUDGE**