

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 15 OF 2011

REPUBLICPROSECUTOR

VERSUS

NICHOLAS MUTUKU MWANZAACCUSED

RULING

1. Nicholas Mutuku Mwanzia 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 **26th** day of **February, 2011** at **Kithini Market, Katelembo Sub-location, Kathekakai Location, Machakos District** within **Masaku County** murdered **Mutua Maweu**.

2. Having considered evidence adduced by the prosecution, it is apparent that the deceased sustained a penetrating abdominal injury caused by a sharp object. Evidence placed the accused at the scene.

3. In the result, the evidence adduced so far requires the accused to be put on his defence pursuant to the provisions of **Section 306(2)** of the **Criminal Procedure Code**.

4. It so ordered.

DATED, SIGNED and DELIVERED at **MACHAKOS** this **16TH** day of **SEPTEMBER, 2014**.

L.N. MUTENDE

JUDGE