



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 68 OF 2008**

**REPUBLIC .....RESPONDENT**

**VERSUS**

**ANTHONY KYALO MUKULI.....ACCUSED**

**RULING**

1. **Antony Kyalo Mukuli** (*accused*) is charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Particulars of the offence are that on the **10<sup>th</sup>** day of **July, 2008** at **Mikameni village, Ekalakala sub-location, Ekalakala Location, Masinga Division** within the **Yatta District** of the **Eastern Province** murdered **Hellen Mwikali Francis**.
2. At the conclusion of the prosecution case, evidence adduced establishes the fact that the cause of the deceased's death was cardio-pulmonary arrest due to asphyxia secondary to neck strangulation. The fact that the deceased died a natural death as a result of some illness would therefore be ruled out.
3. Consequently, I am convinced that evidence adduced establishes a *prima facie* case whereby conviction could follow in case there is no explanation offered by the defence. (*See Ramanlal Tambalal Bhatt versus Republic [1957] E.A. 322*).
4. Therefore, the accused shall defend himself in accordance with **Section 306(2)** of the **Criminal Procedure Code**.
5. It is so ordered.

**DATED, SIGNED and DELIVERED at MACHAKOS this 15<sup>TH</sup> day of SEPTEMBER, 2014**

**L.N. MUTENDE**

**JUDGE**