



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT MACHAKOS  
CRIMINAL CASE NO. 44 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

GEOFFREY MUNYAO NGUKU.....ACCUSED

RULING

1. The accused, **Geoffrey Munyao Nguku** is charged with the offence of murder Contrary to **Section 203** as read with **Section 204** of the **Penal Code**. Particulars of the offence being that on the **31<sup>st</sup> day of July, 2007** at **Kyaani Village, Liyuni Sub-location, of Machakos District** within the **Eastern Province** **Murdered Philip Ngui Mwamote**.
2. An analysis of the evidence adduced clearly establishes the fact that the act causing the death of the deceased was committed in broad daylight in the presence of many people. The cause of death has been stated as hemorrhage shock/ spinal shock secondary to an assault.
3. This is a case where a tribunal, properly directing its mind based on evidence adduced so far would return a verdict of guilty even if no explanation is rendered in defence. (*See Ramanlal T. Bhatt versus Republic [1957] E.A. 332*).
4. In the result, I am persuaded that a *prima facie case* has been established requiring the accused to be put on his defence pursuant to the provisions of **Section 306 (2)** of the **Criminal Procedure Code**.
5. It is so ordered.

**DATED, SIGNED and DELIVERED** at **MACHAKOS** this **9<sup>TH</sup>** day of **SEPTEMBER, 2014**.

**L.N. MUTENDE**

**JUDGE**