

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL CASE NO. 51 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

FRANCIS KISIENYA MUMBI.....ACCUSED

RULING

The accused Francis Kisiyenya Mumbi is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. He is alleged to have murdered one Paul Muchiri Kamoni.

When arraigned in court on 22nd May 2013 he denied the charge. The trial commenced on 18th March 2014. So far, the court has heard evidence from a total of 9 prosecution witnesses. At the close of the prosecution case on 16th September 2014 both the prosecution and the defence filed written submissions on whether or not the accused had a case to answer.

I have carefully considered the evidence now on record. The key witnesses PW1, PW2 and PW6 place the accused at the scene of crime on the fateful day. The defence has on the other hand strongly argued that none of the witnesses saw the accused stab the deceased. However, my analysis of the totality of the evidence on record has led me to the finding that the accused Francis Kisiyenya Mumbi has a case to answer.

I place him on his defence in accordance with Section 306 of the Criminal Procedure Code.

Ruling delivered and signed at Nairobi this 15th day of **October**, 2014.

R.LAGAT-KORIR

JUDGE

In the presence of:

.....: Court clerk

.....: Accused

.....: Counsel for Accused

.....: Counsel for the State