



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
Criminal Case 109 of 2006

REPUBLIC..... PROSECUTOR

VERSUS

PETER MBUGUA MBOGO..... 1ST ACCUSED

EVANSON NGANGA MBUGUA2ND ACCUSED

JOHN NDERITU KAMIRI3RD ACCUSED

RULING

The 3 accused, **PETER MBUGUA MBOGO, EVANSON NGANGA MBUGUA** and **JOHN NDERITU KAMIRI**, were charged with the offence of Murder **contrary to section 203 as read with section 204 of the Penal Code**.

The particulars of the charge were that on 11th September 2006, at Wanguthu Village in Kiambu District, the accused persons unlawfully killed **GEOFFREY NGOIYA MBOGO**.

The deceased died from injuries inflicted to his head, together with multiple cut wounds. The head injuries resulted in a fracture to the skull of the deceased.

After the deceased succumbed to his injuries, his body was identified positively, before the pathologist conducted the post-mortem examination on the said body.

The cause of death was in tandem with the injuries which several witnesses saw being inflicted on the deceased.

And the persons who inflicted the said injuries were said to have been relatives and neighbours. In other words, the assailants were not strangers to either the deceased or to the alleged eye-witnesses.

And even though the attack on the deceased took place at night, there appears to have been sufficient lighting from the vehicle which was at the scene.

In my considered view, the prosecution has established a prima facie case against all the three (3) accused persons.

Accordingly, the accused persons all have a case to answer.

Dated, Signed and Delivered at Nairobi, this 10th day of October, 2012.

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FRED A. OCHIENG
JUDGE