



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Mamuu (Criminal Case E007 of 2022)
[2025] KEHC 13750 (KLR) (26 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13750 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E007 OF 2022
TM MATHEKA, J
SEPTEMBER 26, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

SAMUEL NTHIWA MAMUU ACCUSED

RULING

1. The accused person faces two counts of Murder.
Count I; murder contrary to section 203 as read with section 204 of *Penal Code* (Cap 63), Laws of Kenya.
Particulars of offence are that on the 11th day of June, 2022 at Kilungu B Village, Kibwezi Subcounty within Makueni County murdered Robert Kyalo Aziza.
Count II; murder contrary to section 203 as read with section 204 of *Penal Code* (Cap 63), Laws of Kenya. Particulars of offence are that on the 11th day of June, 2022 at Kilungu B Village, Kibwezi Subcounty within Makueni County murdered Mercy Mbumbua Samuel
2. Accused pleaded not guilty on 6/7/2022.
3. Prosecution called 7 witnesses.
4. At the close of the case for the prosecution s. 306 of the *CPC* gives the court two options;
 - (1) When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is no evidence that the accused or any one of several accused committed the offence shall, after hearing, if necessary, any arguments which the advocate for the prosecution or the defence may desire to submit, record a finding of not guilty.



- (2) When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is evidence that the accused person or any one or more of several accused persons committed the offence, shall inform each such accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself; and upon being informed thereof, the judge shall record the fact.
5. I have carefully considered the evidence on record.
6. The evidence before me is that the accused was the last person to be with the children alive.
7. I find he has a case to answer and will be put to the defence pursuant to Section 306(2) of *Criminal Procedure Code*.
8. Orders accordingly.

DATED, SIGNED AND DELIVERED IN OPEN COURT ON 26TH SEPTEMBER 2025

MUMBUA T MATHEKA

JUDGE

Accused

Mr. Hassan For Accused

Mr. Kazungu for State

CA Chrispol

