



**Republic v Ngutu (Criminal Case E023 of 2021)
[2025] KEHC 13707 (KLR) (26 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13707 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E023 OF 2021
TM MATHEKA, J
SEPTEMBER 26, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

JOHN WAMBUA NGUTU ACCUSED

RULING

1. The Accused John Wambua Ngutu was charged with Murder Contrary to Section 203 as read with section 204 of Penal Code (Cap 63), Laws of Kenya. The Particulars of offence are that; on the 23rd day of August, 2021 at Kyuasine Village in Kibwezi Subcounty within Makueni County murdered Cosmas Muthusi Kawinzi.
2. He pleaded not guilty on 7/10/2021.
3. Prosecution called 10 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 considered the evidence on record and I find that the accused person has case to answer - He will be put on his defence in accordance with Section 306(2) of Criminal Procedure Code.

6. Orders accordingly.

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

MUMBUA T MATHEKA

JUDGE

Accused

Ms Ongonga for Accused

Mr. Kazungu for State

CA Chrispol

