



REPUBLIC OF KENYA



**Republic v Makuthi (Criminal Case E009 of 2023)
[2025] KEHC 14475 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14475 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E009 OF 2023
TM MATHEKA, J
OCTOBER 9, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ERICK MUNYAO MAKUTHI ACCUSED

RULING

1. The accused is charged with murder Contrary to Section 203 as read with Section 204 of the Penal Code. The particulars are that on 18/5/2025 at about 2100 hrs at Mwatimuni Village, Muani Location, Mukaa Subcounty within Makueni County he murdered Margaret Mumbua Makuthi aged 75 years old.
2. The accused pleaded not guilty on 13/7/2023 and was represented by Judah Kioko, Advocate.
3. The prosecution called 6 witnesses to support their case and at the end of the case for prosecution the only issue is what option is available to the accused under Section 306 of the Criminal Procedure Code.
4. The prosecution has established that there was death of a person, and the cause of death was unlawful as per the postmortem report.
5. The accused person is the son of the deceased. He was heard quarrelling which his mother on the night before her body was found in her house. He was the only one there according to PW6.
6. In the circumstances I find that a prima facie case has been made against the accused person to warrant his being put on the defence in accordance which Section 306(2) of the Criminal Procedure Code.
7. Orders accordingly

DATED , SIGNED AND DELIVERED THIS 9TH OCTOBER 2025

MUMBUA T MATHEKA



JUDGE

Chrispol Court Assistant/Interpreter

Accused Present

Mr. Kazungu for state

Mr. Kioko for Accused

