



**Republic v Ngotho (Criminal Case E851 of 2025)  
[2025] KEMC 131 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEMC 131 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
CRIMINAL CASE E851 OF 2025  
PA NDEGE, SPM  
JUNE 3, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ANTHONY MWANGI NGOTHO ..... ACCUSED**

**RULING**

1. As per the provisions of Section 11 of the *Penal Code*, all persons are presumed to be of sound mind until the contrary is proved. The Accused person herein, ANTHONY MWANGI NGOTHO, was presented before this court on 16/04/2025, charged with the offence of Assault Causing Actual Bodily Harm contrary to Section 251 of the *Penal Code*. The plea court, presided over by Hon. E. Oboge, Resident Magistrate (RM) was however notified that the accused appeared to be mentally insane. It thus referred the accused person to a psychiatrist for a mental health assessment.
2. The report by Dr. Karanja S. W., the consultant psychiatrist from Nakuru County Referral and Hospital dated 14/05/2025 concludes that the accused is mentally ill and requires urgent admission in a mental health unit. That the accused is therefore not fit to plead.
3. Pursuant to the provisions of sections 162 of the *Criminal Procedure Code*, I thus find the accused to be of unsound mind and consequently incapable of understanding and following the proceedings. I thus hereby postpone the trial herein; and order for a Pre-bail report on whether the accused person herein may be released on bail and whether sufficient security can be provided that he will be properly taken care of and prevented from doing injury to himself or any other person, and for his appearance before the court or such officer as the court may appoint in that behalf.
4. Meanwhile he may be admitted at Nakuru County Referral & Teaching Hospital mental unit or any other such hospital under police or prison supervision, for the urgent treatment recommended herein, till further directions are issued with regards to this case.



**DATED, SIGNED AND DELEIVERED AT NAKURU IN OPEN COURT THIS 03<sup>RD</sup> DAY OF JUNE, 2025**

**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Court interpreter: Janet

Prosecutions Counsel: Macharia

Accused: Present

Victim: N/A

Fr. Mn. For PBR on 13/06/25

