

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. E003 OF 2022

REPUBLICPROSECUTOR

VERSUS

MARK NJOROGE WANJIRU ACCUSED

RULING ON CASE TO ANSWER

1. **Mark Njoroge Wanjiru** the accused herein stands charged with the offence of Murder contrary to section 203 as read with section 204 of the penal code. The particulars being that the accused on 1st January, 2022 at Molo town in Molo sub-location within Nakuru county murdered Mary Njeri Kamau.
2. The accused denied the charge. The prosecution called a total of eleven (11) witnesses before closing its case.
3. Both the prosecution and defence filed written submissions after the closure of the prosecution case. I have considered both submissions and the evidence on record. It is clear that there was no eye witness to this incident. What has been presented is purely circumstantial evidence. We have several decisions which state that circumstantial evidence if well presented is the best evidence. See

(i) Ahamad Abolfathi Mohammed & another V Republic (2018) KECA 743 KLR

(ii) Republic V Kipkering Arap Koske 16 EACA 135

(iii) Musili Tulo V Republic [2014] eKLR

(iv) Simon Musoke V Republic I EA 715

4. My finding is that the prosecution has established a *prima facie* case against the accused who I hereby place on his defence.

5. Orders accordingly

Delivered, dated and signed this 12th day of November, 2025 in open court at Nakuru.

**H. I. ONG'UDI
JUDGE**