

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCRC. NO. 17 OF 2020

REPUBLIC

PROSECUTOR

VERSUS

SAMMY MULWA KASIKWA alias MBOI

ACCUSED

RULING

1. Sammy Mulwa Kasikwa alias Mboi is charged with murder Contrary to section 203 as read with section 204 of the Penal Code. It is alleged that on 27/5/2020 at Kimuana Village , Uvaleni Sublocation, Kasikeu Location, Mukaa Subcounty Makueni County he murdered Onesmus Ngonyo Ngoku.
2. The Accused denied the charge.
3. The prosecution called 9 witnesses and closed its case.
4. At this stage the issue is whether the prosecution has established a prima facie case in accordance with section 306 of the Criminal Procedure Code to warrant the accused to be put on the defence or

whether there is none to warrant the acquittal of the accused.

5. I have carefully considered the evidence before me – the prosecution presented an eye witness who testified that he saw accused stab the deceased in the chest, they also established that the cause of death as per the pathologist aligns with this evidence – all in all the Prosecution has established that a person died, death was caused without lawful cause. *Prima facie* , *kidole cha lawama kinamuashiria mshtakiwa*- the evidence points at the accused person .
6. In the circumstances I am of the view that there is sufficient evidence to warrant accused to be put on the defence under section 306 (2) of the Criminal Procedure Code.

Dated, signed and delivered virtually on 26th November

2025

Mumbua T. Matheka

Judge

CA Chrispol

Accused present

Counsel for the accused: Ms. Ongong'a

Kazungu for state