



REPUBLIC OF KENYA



**Republic v Kambale (Criminal Case E021 of 2021)
[2025] KEHC 19157 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19157 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E021 OF 2021
TM MATHEKA, J
DECEMBER 18, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PATRICK MAINGI KAMBALE ACCUSED

RULING

1. The accused was charged with murder under Section 203 as read with Section 204 of the Penal Code. The particulars are that on 1st night of 5TH August 2021 at Ikalioni Area Makueni Sub County, Makueni County he murdered Titus Kyuvi Kithuku.
2. The accused denied the charge before Dulu J on 1st November 2021
3. The matter proceeded before the Judge who heard 3 witnesses. I took over the matter and heard PW4, 5, 6, 7, 8 & 9.
4. At the close of the case for the prosecution the issue is – what option is available to the accused person under Section 306 of the CPC.
5. At this stage, I am not expected to give elaborate reasons for my finding unless it is an acquittal. See the Judiciary Criminal Procedure Bench Book paragraph 157 – Anthony Njue Njeru –vs- Court of Appeal Nairobi Appeal No. 77/2006.
6. I am persuaded on the evidence on record especially that of the family members of the deceased who were present on the material days that a Prima facie case has been made to warrant the accused to be put on the defence as per Section 306 (2) of the Criminal Procedure Code .

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 18TH DECEMBER 2025

MUMBUA T MATHEKA



JUDGE

CA Chrispol

Accused present

Mr. Kazungu for the State

Mr. Mutuku for the he accused: We can have a date for defence hearing

Defence Hearing on 5th March 2026

Routine Mention before DR on 19th January 2026

