



REPUBLIC OF KENYA



**Republic v Ndambuki (Criminal Case E010 of 2025)  
[2025] KEHC 18990 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18990 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
CRIMINAL CASE E010 OF 2025  
TM MATHEKA, J  
DECEMBER 18, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**SHADRACK MWANZIA NDAMBUKI ..... 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 December 29th 2024 at Kathonzweni Market, Kathonzweni Location , Kathonzweni Sub County, Makueni County jointly with others not before the court Stephen Kimanathi.
2. The accused pleaded not guilty on 8th may 2024.
3. The prosecution called 5 witnesses.
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 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 :N/A

Defence Hearing on 5th March 2026

Routine Mention before DR on 19th January 2026

MNTI to counsel

