

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
HCCR E018 OF 2013

REPUBLIC

....PROSECUTION

VERUS

JACOB MWENDA NGUCIA.....
ACCUSED

RULING

1. The accused person was charged with two counts of murder contrary to Section 203 as read together with Section 204 of the Penal Code. The particulars of the first count are that on the 4th April 2013 at 360 Estate Syokimau in Athi River District within Machakos County murdered Josephine Kimutu. The particulars of the second count on the 4th April 2013 at 360 Estate Syokimau in Athi River District within Machakos County murdered Alyana Muthoni.
2. The accused pleaded not guilty to both counts. The matter proceeded to a hearing during which the prosecution called a total of 8 witnesses and closed its case.
3. Both the accused and the prosecution were directed to file submissions addressing the issue of whether the accused

has a case to answer. At the time of writing this Ruling none of the parties had filed their submissions.

4. Having considered the totality of the evidence of the 8 prosecution witnesses and the exhibits produced in the court, I find that a prima facie case has been established against the accused person.
5. At this juncture I will reserve my reasons for the finding. I am guided by the decision in **Festo Wandera Mukando versus Republic 1980 (KLR) 103** and **Republic versus Kevin Owuor Abith alias Opundo (2022) eKLR** which cautioned that; it is inadvisable for the trial court to give reasons as to why an accused person is placed on his defence.
6. I therefore will remain cautious not to make any definitive findings at this stage by declining to provide reasons, even as I conclude that the accused has a case to answer. Accordingly, the accused person is placed on his defence.
7. The matter will be mentioned on 18th May 2026 for directions under Section 306(2) of the CPC.

Dated, signed and delivered at Machakos this 9th day of April, 2026

RHODA RUTTO

JUDGE

In the presence of;

.....Accused

.....ODPP

Selina Court Assistant

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