

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
CRIMINAL CASE NO. 12 OF 2016

REPUBLIC.....
PROSECUTOR

VERSUS

GEORGE KAMAU NYAMU.....ACCUSED

RULING

1. The matter before court is for a ruling on case to answer under section 306 of the CPC.
2. The Accused, GEORGE KAMAU NYAMU was charged in this court with the offence of murder contrary to section 203 as read with section 204 of the Penal Code particulars being that on the night of 26th and 27th day of June 2016 at an unknown time at Gatunduini village, Ichagaki Location in Maragua Sub-county within Murang'a County, he murdered Samuel Mburu Irungu.
3. The matter proceeded for full trial and the Prosecution adduced evidence by calling seven (7) witnesses and producing an array of exhibits. The accused was represented by Ms. Kimani who cross examined the witnesses at various intervals. The trial was partly conducted before Wakiaga, J but later before me after the parties opted to continue with the matter from where it had stopped in accordance with section under section 200 of the Criminal procedure code.
4. The Prosecution closed its case after calling 7 witnesses and the matter was for a Ruling on case to answer as Counsel for both parties elected not to make any submissions at this stage and invited the court to give them a ruling date.

5. The prosecution's case is hinged on both circumstantial evidence and eye witness account of what transpired on the night of 26th and 27th June 2016 when the deceased was killed while he was sleeping in his House. It is the evidence of PW1 mother to the deceased that on that evening at around 9 pm she had supper with the deceased and two of her other children. That she woke in the at 3 am to prepare her husband who was traveling to Nairobi for work morning and that she then went to wake up the deceased who was a student at the polytechnic and found him lying dead having been cut many times on the head, she then raised alarm and lost consciousness. She recalls that the deceased had shared the house with the accused. She had earlier seen George Kamau the accused holding an which had a wooden handle. However, after the incident she found a blood stained panga under the bed.
6. Pw2 was father to the deceased. He was called while he was on his way to Nairobi an informed of what had transpired and he rushed back home. He confirms that the accused was at his home the previous day and was carrying something in a gunny bag which was later found to be an axe. The accused was looking for menial job of chopping firewood but none was available at the time. That they had lunch together and at night, the accused went to sleep at the same house with the deceased.
7. Pw3 was able to identity the axe which the accused had in a gunny bag after the incident.
8. Pw4 responded to the distress call, visited the scene, called the police and the Assistant chief, assisted in arresting the accused and recovering the blood- stained axe ie the murder weapon.

9. Pw5 Conducted post mortem and produced report in court confirming the cause of death was shock due to excessive bleeding.
10. PW6 was then attached to Maragua Police station. Responded to the call about murder and visited the scene with other officers and found the lifeless body of the deceased with cut wounds. They collected a blood stained panga from the scene and a blood-stained axe from the accused's gran mother. They carried the body of the deceased to the mortuary, arrested the accused and recovered his blood-stained clothes.
11. PW7 was the Investigating Officer in the matter. He corroborates all the evidence by PW6. He produced in court all the exhibits including the accused's clothes, an axe and a panga.
12. I have considered the evidence by the prosecution in this case in its entirety and it is my considered view that a prima facie case has been established.
13. ***I find that the accused has a case to answer and is therefore put on his defence. The matter should be mentioned on 25th May 2026 before the DR Murang'a for directions on Defence***

Dated, Signed and Delivered Virtually on this 13th day of May 2026.

**HON. T. W. OUYA, OGW
JUDGE**

In the presence of:

For Accused - Kirubi HB for Mwangi Ben.

For Prosecution - Ms.Ongaki

ORIGINAL