



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Muya & another (Criminal Case 54 of 2017)
[2025] KEHC 3972 (KLR) (26 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3972 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 54 OF 2017
HI ONG'UDI, J
MARCH 26, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

NAOMI NJERI MUYA 1ST ACCUSED

ALLAN MUYA 2ND ACCUSED

RULING

1. Naomi Njeri Muya and Allan Muya hereinafter referred to as the 1st and 2nd accused are jointly charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. Both accused denied the charge and the matter proceeded to full hearing with the prosecution calling a total of seven (7) witnesses.
2. PW7 Dr. Titus Ngulungu who conducted the post mortem found the cause of death to be head injury caused by haematoma to the head. The skull was also swollen. The report was produced as EXB1. This death was not a natural one.
3. It is noted that no eye witness testified in this case. What is before the court is therefore circumstantial evidence. The 2nd accused was only mentioned by the investigating officer without real concrete evidence.
4. Upon evaluating the evidence on record plus the submissions by both parties, I make the following findings:
 - i. There is no evidence showing the role the 2nd accused played in this matter. He is acquitted under section 306(1) of the Criminal Procedure Code and should be released unless otherwise lawfully held under a separate warrant



ii. On the other hand, I find a prima facie case established against the 1st accused who I hereby place on her defence under section 306(2) of the *Criminal Procedure Code*.

5. Orders accordingly.

DELIVERED, DATED AND SIGNED THIS 26TH DAY OF MARCH, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

