



**Republic v Kamau (Criminal Case E012 of 2024)
[2025] KEHC 9202 (KLR) (24 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9202 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E012 OF 2024
LN MUTENDE, J
JUNE 24, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER IRIA KAMAU ACCUSED

RULING

1. Peter Iria Kamau, the Accused, was arraigned following allegations of having murdered Eunice Wangare Kamau in contravention of Section 203 as read with Section 204 of the [Penal Code](#).
2. At the close of the prosecution’s case the State/Prosecution is expected to adduce evidence that would require the Accused to defend himself. Section 306(2) of the [Criminal Procedure Code](#) provides thus;

When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is evidence that the accused person or any one or more of several accused persons committed the offence, shall inform each such accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself; and upon being informed thereof, the judge shall record the fact.

3. In compliance with the law the prosecution presented evidence of witnesses who depicted the Accused a brother to the deceased as an individual who caused extreme fear to the family. On the fateful date, he created and maintained a state of extreme fear to his siblings and mother which resulted into the deceased being hit with a stone. She was rushed to hospital but she succumbed to death.



4. To place the Accused on his defence there should be sufficient evidence such that if it remains unchallenged it can be persuasive enough to return a verdict of guilty. This was stated in the case of *Ramawal Trumbaklal Bhatt v Republic* [1957] EA 332 where it was held that;

“Prima facie case was defined as one on which a reasonable tribunal properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence. At this stage, the court is not required to decide finally whether the evidence is worthy of credit or whether, if believed, it is weighty enough to prove the case conclusively,-that final determination can only properly be made when the case for the defence has been heard.....”

5. PW1 Dr. Cyrus Njoroge Ng’ang’a conducted the postmortem on the body of the deceased that was identified by PW9 David Kamau Kabachia, her father and two (2) others. He formed the opinion that the cause of death was severe head injury secondary to blunt head trauma causing massive epidural haematoma.

6. According to evidence of PW2 R.W.K., PW3 Lucy Epron, PW4 D.K. the assault was occasioned by the Accused who caused the mayhem and picked a stone that he used to hit the deceased.

7. Evidence on record requires the Accused to be placed on his defence pursuant to the provisions of Section 306 (2) of the [Criminal Procedure Code](#) which I hereby do.

8. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 24TH DAY OF JUNE, 2025.

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L.N. MUTENDE

JUDGE

