



**Republic v Munyao (Criminal Case E017 of 2021)
[2025] KEHC 12451 (KLR) (29 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 12451 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE E017 OF 2021
TM MATHEKA, J
AUGUST 29, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

MATOLO MUENDO MUNYAO RESPONDENT

RULING

1. Matolo Muendo Munyao is charged with murder contrary to section 203 as read with section 204 Penal Code. The particulars are that on 26th may 2021 at 9:00am at Usalala Village, Ngoni S/location, Kisau location in Mbooni East Sub County within MaKueni County, he murdered Kasavi Munyao
2. The prosecution called 9 witnesses and closed its case.
3. The issue for determination is set out by s. 306 of the Criminal Procedure Code which states inter alia:
 306. Close of case for prosecution
 - (1) When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is no evidence that the accused or any one of several accused committed the offence shall, after hearing, if necessary, any arguments which the advocate for the prosecution or the defence may desire to submit, record a finding of not guilty.
 - (2) 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 hisadvocate (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.

4. Upon due consideration of the evidence on record I am of the view that the prosecution has established a prima facie case as envisaged by s. 306(2) of the CPC and the accused will be put on his defence accordingly.

DATED SIGNED AND DELIVERED ON 29TH AUGUST 2025

MUMBUA T MATHEKA

JUDGE

Mr. Wasolo- I seek mention date in 14 days to take defence hearing date.

M. 18th Of September 2025 for Defence Hearing date

