



**Republic v Muthondio (Criminal Case 51 of 2019)
[2024] KEHC 6394 (KLR) (30 May 2024) (Judgment)**

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**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 51 OF 2019
SC CHIRCHIR, J
MAY 30, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

PHILIP WAHOME MUTHONDIO ACCUSED

JUDGMENT

1. Philip Wahome Muthondio (The accused) was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code.
2. The particulars of the offence are that on the 1st day of August 2019 at Milimani Estate Bukhungu location in Kakamega central sub-county within Kakamega County murdered Phillemon Kipkoech Samoei.
3. The accused denied the charges and the matter went to full trial.

The Evidence.

4. PW1, was the ballistics expert . He testified that he received the following exhibit from corporal Andrew Mateba :
 - a. 2 AK 47 assault rifles serial number 59012323 , marked as Exhibit A and 59010892 marked as Exhibit D
 - b. 2 Magazines marked as Exhibits B and E
 - c. 1 cartridge case marked as Exhibit G
 - d. 59 rounds of ammunitions marked as Exhibit X1- C29 and F1-F30.
5. He was required to ascertain the following:



- a). whether exhibit A is a firearm, if it is serviceable, calibre of the ammunition used by the exhibit
 - b). whether Exhibit B is a component part of Exhibit B and its capacity
 - c). whether Exhibit marked as C1- C29 are ammunition , the calibre and if they were fired from Exhibit from Exhibit A
 - d). whether Exhibit marked G was fired from Exhibit A
 - e). whether Exhibit marked E is a component part of Exhibit D and its capacity
 - f). whether Exhibit marked D is a firearm, if it is serviceable and the calibre used by the said Exhibit
 - g). whether Exhibit No. F1- F30 are ammunitions, their calibre and if they can be fired from Exhibit D
 - h). Whether Exhibit G was fired from Exhibit D
6. Upon examination he formed the opinion that:
- a). Exhibit A and D the guns were in good general and mechanical condition
 - b). the Ammunition from both guns were capable of being fired condition
 - c). Exhibit G, the cartridge was fired from gun No.59010892(Exhibit D).
7. At cross- examination , he told the court that his duty was to determine which firearm fired which bullet. He also stated that it is the firearm not the magazine that reveals where the cartridge came from.
8. PW2 was APC Okisai Evans attached to kakamega central , Administration police. He recalled that on 1/8/2019, he had been deployed to man Khetia's supermarket along Kakamega- Mumias Road, opposite the Governor's office. He stated that he arrived at 18.30hours and was later joined by his colleague, the accused. He observed that the accused was sweating and was nervous. On inquiring from him what could be the problem the accused told him that he had family problems. At the same time , he noticed that the Accused had blood stains in his boots and again upon further inquiry, the accused said he had nose bled, but was now fine.
9. Later , the accused told him he had shot the deceased by accident . The witness then began finding a way to divert his attention, so as to give him a chance to get back-up team. He told the accused to go and clean his rifle at the Governor's office. He then called for a back-up team, who arrived shortly. The accused was disarmed and taken to central police station. He further told the court that the accused had told him that he would rather take his own life than to have himself arrested but he managed to calm him down.
10. He identified the accused in court and stated that he had worked with him for almost a year prior to the incident.
11. He further stated that he had no differences with the accused and he was aware that the deceased and the accused. were friends. He identified the brownish boots the accused was wearing at the time (marked as P MFI -3). He stated that the accused confided in him in Kiswahili stating: "Nimemua Samoei bahati mbaya".
12. At cross examination by the accused's counsel, the witness confirmed that he knew both the accused and deceased, that the two were friends and used to live together. He did not know if the two had quarrelled prior to the shooting.



13. PW3 told the court that he was a neighbour to the deceased and accused at Mililani Estate. He told the court that at 7p.m on the material a day , he was with his colleague Jadiel. They were inside the compound, outside their house. . They heard gunshots and they ran inside the house. They got out and stated peeping through the fence towards the neighbour's compound. He saw the accused getting out , he knew him as a neighbour by face . He asked him , if there was any problem and the Accused's response was that all was well. He had been seeing him for 3 months. He identified the neighbour in court as the accused in the dock.
14. He further stated that the accused then walked away. After sometime another person came into the accused compound . He was accompanied by a woman. The man asked him if any one had been in the neighbour's house, as he could that a person had been killed . He told him that the accused had just left .
15. He further stated that the accused then came back and the man ran into the house. The witness too ran into his house but he continued looking outside. He saw the man came out with the accused and the two left. when the accused left his house earlier , he was holding a gun but could not tell the make, but when he came back he noticed that the gun was a AK 47. He further testified that the deceased and accused were friends and they used to live together.
16. At 7pm , he saw a large group of police officers coming into the compound . He told them what he had seen. He also saw the deceased's body and noticed that he had an injury to the left side of the neck.
17. On cross- examination, he told the court that he used to know the accused only by face but now he knew his name too. He never attended any identification parade. He never heard any quarrel before the gunshot. He never witnessed the shooting. He only heard one gun shot.
18. On re- examination , he told the court that after hearing the gun shot, it was only the accused who left the house.
19. PW4 was the deceased's cousin and also a police officer. He identified the body at kakamega referral hospital . He noticed that the bullet entered from the right side of the neck and exited through the left jaw and that there was also an injury on the right index finger.
20. PW5 was PC. Kiprotich Gilbert ,previously attached to Kakamega Central . He testified that on 1/8/2019 he was on duty with Corporal Andrew Mateba, when he got a report of shooting incident at Milimani Area , near Golf Hotel .The incident was at the resident of one Senior Commissioner of Police, Patrick Wambala. They went to the station and they were briefed by the DCIO Aggrey Ogola.They rushed to the scene and found the deceased, lying in a pool of blood ,while holding an AK rifle on his right hand.
21. He observed that the bullet hit the right side of the occipital and exited on the left side of the head. They secured the scene. They recovered AK 47 SR. No. 59012323 which was loaded with 29 rounds of 7.26 special ammunition. (The witness identified the Exhibit No. A.). They assessed it and found that the rifle was on a safe mode. , when his colleague cocked it they found that there was no cartridge in the chamber.
22. They later arrested the accused who was in khetia supermarket. They recovered AK 47 Number 59010892 which was loaded with 30 rounds. 7.62 special ammunition. He testified that the accused was later arraigned in court.
23. He further told the court that the clothes he wore and the pair of desert boots, which were recovered had blood stains. He identified the exhibits in court. There was also a jungle hat, the accused was wearing. Corporal Mateba prepared the exhibit memo. The exhibits were Military jungle trouser, pair



- desert military boots, AP jungle jacket, Khaki shirt, pair of socks, green jungle hat, t-shirt, bungle swabs, nail bets. The same were listed in the Exhibit memo dated 7.8.2019(marked as PMFI4)
24. He further testified that that the recovered firearms were submitted to ballistic experts, for examination. The Firearm was marked N. was serial number 59012323, with 29 rounds of ammunition and Firearm marked - 59010892 marked as exhibit D which was recovered from the accused, . It was loaded with 30 rounds of Ammunition . After ballistic examination , the report received was that the gun that was fired was SR No. 59010892. (i.e Exb D)
 25. They further subjected 3 mobile phones belonging to the accused, the deceased and the lady who allegedly caused the conflict between the two for a cybercrime analysis. He left the station before the Analysis report was submitted.
 26. They arraigned the accused before the court and he was charged with murder. He identified the accused as the officer they arrested. He also witnessed the post mortem Examination.
 27. During cross examination he testified that he was the former investigating officer and that they worked together with Corporal Mateba. He reiterated that they arrested the accused at Khetia's supermarket and that the accused had attempted to resist arrest. He was unable to access the mobile phones after his transfer. He knew the deceased and the accessed as friends. He did not know the motive of the killing.
 28. PW6 was the Pathologist. He did the autopsy on 5.8.2019. The examination was witnessed by Kiptoo Kisorio and Wycliffe Chumba.
 29. He stated that the deceased had worn his AP uniform which were blood stained. 4 days had lapsed since time of death. He observed that there was a Single bullet track with 2 inlets and 2 exit wounds. The first entry wound was on the right behind the scalp. The second inlet was on left palm on the inner side. The first exit was on left cheek in the middle; 2nd exit was on the outer side of the palm/hand; That there was fracture on back of skull , the bone behind the nose and on the left lower jaw. He further stated that the bullet went through the hind and mid- brains. He concluded that the cause of death was a penetrating head injury secondary to gunshot wounds. He took the nail samples for DNA analysis and gave them to Investigating Officer. He produced the post- mortem report dated 5.8.2019 (P Exb.5)
 30. On cross- examination, he stated that there was one bullet or one track -bullet which entered and exited the head. The entry at the back shows the gun was shot a meter away from the head.
 31. PW7 was Police corporal Andrew Mateba based at Kakamega DCI. He recalled that on 1.8.2019 in evening at 18.00hours he was within the police station, with PC. Gilbert Rotich when he received a call from OCS, Mohammed Godana. Informing him of a shooting within Milimani area involving police officers. He stated that he went to his boss SSP Aggrey Okoth and informed him about the news. Together with PC Kiprotich, they rushed to the crime scene which was in a compound next to the golf hotel. The compound had a main house and a servant quarter. At the scene, they found a crowd of people in front of servant's quarters. They found the deceased body lying with full jungle police uniform and beside the body was an AK 47 with the deceased's hand on the trigger. They secured the scene. He took the gun and removed the magazine, cocked it and he found that there was nothing in the chamber. They recovered a spent cartridge of 7.62 MM special and proceeded to interviewed members of the public where they established that the deceased had been shot by a colleague who was also his best friend.
 32. He relayed the information to his bosses. The accused was later arrested and taken to police station. He was not among the arresting party but saw the accused at the police station. The accused had blood stains on his clothes, jacket, shirt, long trousers, socks and jungle body (marked as PMFI 4). He identified the boots the accused had worn, the socks. His T- shirt, the jungle jacket, his pair of trousers,



the jungle shirt. He produced the assorted clothes/wear as P Exhibit No. 4. They also recovered the gun with 29 rounds of ammunition AK 47 SR. No. 59012323 (marked as PExb 1A.) They also recovered AK 47 from the accused SR No. 59010892 with 30 rounds of ammunition (P Exh No. 1D). He prepared an exhibit memo for the items and forwarded to Government Chemist at Kisumu.

33. The Exhibit memo had the following items:

- a. Exhibit A1 - A2 - Desert military boots recovered from the accused
- b. Exhibit B - stained jungle green military trouser from the deceased
- c. Exhibit C - stained AP smoke Jacket for the Deceased
- d. Exhibit D - A khaki shirt from the deceased
- e. Exhibit E1- E2 - pair of socks from the deceased
- f. Exhibit No. F- Green jungle hat from the deceased.
- g. He stated that the exhibits were delivered on 7.8.2019 at the government chemist, Kisumu
- h. The report from the government chemist dated 21.5.2020 was received and from the forensic analysis it was concluded that blood stains on the shoes, trousers, jacket met the DNA profile of the deceased and that the Jambo hat, Jungle Jacket, T-shirt and socks matched the DNA of profile of the accused. The exhibit memo dated 21.5.2020 was marked P- MFI 6).

34. He stated that he prepared another exhibit memo which he addressed to the Ballistics expert Nairobi, forwarding the firearms and ammunition for analysis . The exhibit memo was dated 14.6.2019(produced as P Exhibit No. 3) The Exhibits were as follows:

- a. Exhibit A- AK 47 59012323
- b. Exhibit B - Magazine
- c. Exhibit C - Ammunition C1- C29 found in deceased's rifle
- d. Exhibit D- AK 47 rifle 59010892
- e. Exhibit E - Magazine
- f. Exhibit F- The ammunition from the accused's rifle (F1- F29)
- g. Exhibit G - The spent cartridge recovered from the scene.

The exhibit memo dated 7.8.2019 was produced as Exhibit 4A and the items on the memo as PEXB. 4B

35. The witness stated that there had been a quarrel over muddy shoes as the accused wanted to get into the house with muddy shoes. There was also a love triangle involving a woman but they were unable to get the details.

36. During cross examination, he stated that he did not record a witness statement about the muddy shoes issue and that they did not get the name of the woman in the love triangle. He claimed that they did not receive the report on the phones that they had taken for analysis. He stated that the body was outside the house.

37. PW8 was in charge of armoury at the PC's office at kakamega . He testified that his role as an armoury man was to maintain guns and to issue guns. He stated that on 1st August 2019, he was on duty. He issued Gun no. AK47 No. 59012323 to the deceased. It had 30 rounds of ammunition, while he



issued the accused with gun AK 47 SRNO. 59010892 with 30 rounds of ammunition, for night duties. He recorded the issuance in Daily Arms issue book. The accused's was recorded as No.10 , while the deceased 's was recorded as No. 15. After 30 minutes of issuing the guns he got a call from one of his bosses informing him of the shooting. He rushed to the deceased's house at milimani. . He found the deceased lying on his stomach. He had been shot at the back of his head and the bullet exited through the eye. He was lying outside the house. The head was next to the door. He was lying on the gun with his hand on it.. The door was ajar .He identified the gun as the one he had issued to the deceased, by the number . The gun was No.59012323. He checked and found that it had 29 bullets. It had a magazine. He produced the gun (marked as Exb 1A).

38. He further stated that the next day he was asked to identify the accused's gun. It was No. 59010892. He also identified it in court. Its magazine had 30 bullets. He produced the gun and was marked as EXHIBIT 1D. He produced the daily arms issue book of 1.8.2019 as P Exhibit 5.
39. On cross- examination, he stated that the gun that was recovered from the accused had 30 bullets. He was not the one who counted them. He did not know which gun was used to shot the deceased.
40. The accused was put on his defence and opted to give a sworn testimony.
41. DW1 testified that on the eventful day, he was heading to his station at Khetia's supermarket about 6.30 p.m.He knew the deceased well as they had worked together from 2018 to 2019 and they were friends.
42. He recalled that on that day when he got to their house, the deceased asked him to remove his shoes. He stated that as he bent over to remove his shoe he asked the deceased to hold for him his gun and the gun accidentally discharged. It hit him on the finger then passed the cheek and eye and the right side of the head. He further stated that he was then bending while the deceased was standing . He stated that the deceased had the gun when it discharged. He took the gun and headed to work and told his colleague what had happened. He testified that he had no reason to kill his friend since they had not had any disagreement.
43. On cross- examination, he testified that when he handed the deceased his gun, it discharged accidentally; that nobody came over at the sound of the gun.
44. He further stated that he got the gun from the armoury at about 5.00 p.m. and headed to the house.
45. At the cross examination by the court, he stated that the weapons were not serviced at the armoury, at the point of issue. He could not tell if the gun was defective. He stated the only way to ensure the safety of a gun was by removing the magazine. He stated that he did not stop to check if the deceased was still alive or dead since he was still in shock. He claimed that he saw that the bullet went through the deceased fingers, cheeks and head but he didn't confirm if he was dead or alive.
46. The defence closed it case.

Defence submissions

47. It is the accused's submissions that the prosecution has failed to prove that the accused had an intention to kill the deceased; that there was no malice aforethought; that the court should find that the death was accidental and the accused's reaction as narrated by PW2, his colleague at khetia supermarket was a traumatic response to what had just transpired.

Determination

48. Section 203 of the penal code defines murder as follows: "any person who of malice a forethought causes death of another person by an unlawful act or omission is guilty of murder."



49. For the prosecution to sustain a conviction, all the ingredients contained in section 203 of the penal code ought to be proved beyond reasonable doubt.
50. In Criminal case (Murder) No. 21 of 2010 Republic -vs- Mohamed Dodi Korane & 7 Others (2014) e KLR – the four main ingredients of murder were reiterated as follows :
- 1) The fact of the death of the deceased
 - 2) The cause of the death
 - 3) Proof that the deceased met his death as a result of an unlawful act or omission on the part of the accused.
 - 4) Proof that the said unlawful act or omission was committed with malice aforethought.
51. The issues that this court has to determine are :
- a. The death of the deceased and its cause
 - b. Whether the accused caused the death of the deceased
 - c. If (b) is in the affirmative, whether the act was committed with malice aforethought.

The death of the deceased

52. The death of the accused is not under contest. It was the evidence of the consultant pathologist Dr. Dixon Mchana (PW6) that the cause of death was a penetrating head injury secondary to gunshot wound. The body was identified by Kiptoo Kisorio . Also (PW7) (PW8), both police officers also saw the deceased lying death when they rushed to the deceased house. Thus the fact of the deceased's death and its cause was proved.

Whether the Accused herein caused the death of the deceased.

53. There was no prosecution witness who witnessed the killing of the deceased. The prosecution's case is therefore purely circumstantial.
54. What is circumstantial evidence? In the case of Ahamad Abolfathi Mohammed and Another v Republic [2018] e KLR, the Court of Appeal defined circumstantial evidence as : “ evidence which enables a court to deduce a particular fact from circumstances or facts that have been proved..... It is evidence of surrounding circumstances which, by intensified examination is capable of proving a proposition with the accuracy of mathematics.....” (Emphasis added)
55. In the same case, the Court of Appeal set out the test to be applied in considering whether circumstantial evidence placed before a court can support a conviction. The court stated:

“ Before circumstantial evidence can form the basis of a conviction however, it must satisfy several conditions, which are designed to ensure that it unerringly points to the Subject person, and to no other person, as the perpetrator of the offence. In Abanga alias Onyango v R Cr. App. No 32 of 1990, this court set out the conditions as follows: “It is settled law that when a case rests entirely on circumstantial evidence, such evidence must satisfy three tests:

- i. the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established;



- ii. those circumstances should be of a definite tendency unerringly pointing towards the guilt of the Subject;
- iii. the circumstances taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else.”

56. In *Mwangi and Another v Republic* (2004) 2 KLR 32, the Court of Appeal reiterated the test as follows:

“In a case depending on circumstantial evidence, each link in the chain must be closely and separately examined to determine its strength before the whole chain can be put together and a conclusion drawn that the chain of evidence as proved is incapable of explanation on any other reasonable hypothesis except the hypothesis that the Accused is guilty of the charge”

1. Also in *Sawe Vs. Republic* [2003] KLR 364, the Court of Appeal held : “In order to justify on circumstantial evidence, the inference of guilt, the inculpatory facts must be incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable hypothesis than that of his guilt. There must be no other co-existing circumstances weakening the chain of circumstances relied upon. The burden of proving facts that justify the drawing of this inference from the facts to the exclusion of any other reasonable hypothesis of innocence remain with the prosecution. It is a burden which never shift to the party accused.” (Emphasis added)

What are the circumstances in this case?

58. I now turn to consider the circumstances in the present case.
59. PW3 was the neighbour to the accused and the deceased in Mililani estate. On the material day he heard a gunshot. He peeped through the fence and saw the accused getting out of the house. He inquired from the accused what was wrong and the accused told him that everything was fine. In re- examination he told the court that it was only the accused who left the house right after the gun went off. There were two people who came later but that is after the shot had been fired. Thus there is evidence that right after the gun shot it is only the accused who left the house. It was later established by the pathologist that the deceased died of gunshot wound. Since no one else left the house after the gun was fired ,it can safely be inferred that the gun shot that PW3 heard was the shot that killed the deceased.
60. PW1 , the Ballistic expert testified that he examined the two firearms , the bullets and cartridges he established that the cartridge was fired from assault rifle serial No. 59010892.
61. PW8, the officer charged with issuing guns testified that on the same day he had issued the same gun to the accused. Thus there is sufficient evidence that the killer gun belonged to the accused.
62. I have considered the defence submission in this regard. His counsel submits that perhaps the magazines of the two rifles were interchanged. However on cross- examination, PW1 told the court that “ The magazine does not discharge the bullet, it is the firearm that discharges. The evidence of where the cartridge came from is in the firearm and not the magazine” This was an expert witness There was no other expert to rebut this I therefore take his evidence as unchallenged.
63. PW7 was the investigation’s officer. He forwarded the clothes and other wearing apparel of both the accused and the deceased for forensic analysis at the government chemist at Kisumu. The analysis



- showed that the blood stain on the accused's boots , his trousers and jacket met the DNA profile of the deceased. This means that the deceased was in touch with the deceased.
64. Further the accused , in his defence did admit that it was the bullet from his gun that killed the deceased.
 65. However the accused in his defence told the court that the deceased asked him to remove his shoes at the door . That he then asked the deceased to hold for him the gun so that he could bent to remove the shoes; that at that instant the gun went off while the deceased was holding it. In effect the accused was denying that he fired the bullet. Further by implication he was saying that the deceased accidentally shot himself.
 66. However this defence is not consistent with his subsequent conduct as demonstrated hereafter. When Pw3 asked him what was wrong , he told him everything was fine. If this was an accidental shooting by none other than the deceased himself , he should have been seeking for help to save his colleague as opposed to giving the impression that nothing was amiss.
 67. Something else rather striking and quite telling is the position in which the deceased was found. He was lying and holding his gun at the muzzle, giving the impression that he could have perhaps shot himself. But according to the accused , the a deceased was holding the accused's gun and it is this gun (the accused's) which went off. The imperative question is , at what point did the deceased got hold of his own Gun? Did he have any chance at all? Based on this scenario, it would mean that the deceased at some point dropped the accused's gun then picked his own gun. Was he capable of doing this when he had already shot himself. Am not persuaded that the deceased had a chance to pick his own gun.
 68. It is apparent that the accused rearranged the scene to create the impression that the deceased had shot himself. It was an attempt to conceal his crime. Other observations show an attempt to conceal his culpability: The investigations officer told the court that when the deceased's gun was recovered it had 29 ammunition , while the accused's had 30 ammunitions, yet by the Accused's own admission his gun had been fired. This was a corroboration of the ballistic expert's testimony to the effect that the bullet was fired from the Accused's gun. It was the testimony of the officer in charge of the armoury that each gun had 30 ammunitions. How then did the deceased's gun which had not been fired ended up with 29 and the accused which had been fired ended up with 30. This was an attempt to interfere with the potential evidence.
 69. Further the pathologist told the court that the gun was fired at a distance of one metre. It can not be that the deceased's hand could stretch to cover that length. I take judicial notice as a matter of common notoriety that a human hand averages at 8.6 inches long.
 70. Finally the accused went away without bothering to find out that his college may have been alive. At khetia supermarket he was sweating and nervous as aforesaid. His counsel has submitted that , that would be a normal traumatic reaction from a person who has just witnessed such an incident. This assertion as has been made without the backing of any medical evidence.
 71. Thus impression he gave to pw3 that all was well; the attempt to re-arrange the scene, the tampering with the two guns, leaving the deceased without checking if he was still alive ; the restlessness he exhibited at khetia super market, the fact that he was the only person seen leaving the scene right after the gunshot is not consistent with the innocence of the accused..
 72. Further the above circumstances, taken cumulatively convinces me that the Accused is the one who shot the deceased.



Was there malice aforethought?

73. Section 206 of the penal code provides for circumstances which if manifested in any particular case malice aforethought is deemed to be established. The circumstances are:
- a. an intention to cause death of or to do grievous harm to any person whether that person is the person actually netted or not;
 - (b) Knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether that person is the person actually netted or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused.(Emphasis added)
 - (c) An intent to commit a felony
 - (d) An intention by the act or omission to facilitate the fight or escape from custody of any person who has committed or attempted to commit a felony”.
74. Rex Versus Tubere S/O Ochen 1945 12EACA 63 laid down the guidelines for trial Judges. It was held: “To determine whether malice aforethought has been established to consider the weapon used, the manner in which it is used, the part of the body targeted, the nature of injuries inflicted, the conduct of the accused before, during and after the incident”.
75. By shooting the deceased on his head, a sensitive part of the human body , then within the context of section 206(b) of the penal code , the accused must have known with some degree of certainty that the shooting was going to kill the deceased. His conduct too as referred to hereinbefore is suggest malice on the part of the accused.
76. The Accused raised the issue of motive. He has told the court that they were good friends , a fact that was corroborated by some of the prosecution witnesses, but motive is not a requirement to establish the offence of murder (ref: John Mutuma Gatobu vs Republic (2015) e KLR
77. Am satisfied that the prosecution has established malice aforethought
78. In conclusion I find the prosecution has established its case beyond reasonable doubt. I hereby find the accused guilty of murder pursuant to section 203 and 204 of the penal code and I convict him accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI , VIA MICROSOFT TEAMS, THIS 30TH DAY OF MAY 2024.

S. CHIRCHIR

JUDGE.

In the presence of:

Godwin- Court Assitant

The Accused.

