



Republic v Mugoro (Criminal Case 3 of 2014)
[2022] KEHC 553 (KLR) (Crim) (7 June 2022) (Ruling)

Neutral citation: [2022] KEHC 553 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)

CRIMINAL

CRIMINAL CASE 3 OF 2014

K KIMONDO, J

JUNE 7, 2022

BETWEEN

REPUBLIC PROSECUTION

AND

FRANCIS MURIGI MUGORO ACCUSED

RULING

1. The accused is charged with murder contrary to section 203 as read with section 204 of the *Penal Code*.
2. The particulars are that on 10th July 2009 at Milimani area in Makuyu within Murang'a County, he murdered Hannah Wangari.
3. He pleaded not guilty. The prosecution lined up eleven witnesses.
4. Learned Prosecution Counsel, Ms. Nzuki, lodged submissions on 6th April 2022 while learned counsel for the accused, Mr. Ondieki, filed his on 13th April 2022.
5. I am now called to determine whether the evidence is sufficient to place the accused on his defence.
6. According to the Dr. Peter Muriuki (PW10) the deceased died from “multiple organ injuries due to blunt force trauma”. He however observed that “circumstances should be investigated”. The witness was referred to an earlier post mortem report by Dr. Mwaura dated 19th September 2009 which revealed the cause of death as “torn lungs” but inconsistent with a road traffic accident.
7. I have paid particular attention to the evidence of Faith Muthoni Wangari (PW1). On the material night, she witnessed a quarrel between the accused and the deceased (her parents). She saw the accused hit her mother with a stool on the head. Later at around 04:00 hours, her mother called her to open the door but the accused said he would do it.



8. At about 04:00 hours, PW2 and PW6 helped the accused to push a lorry in the compound. The accused was the driver. They then heard the accused cry out. They found the deceased on the ground. The accused informed them that she had been ran over by the lorry.
9. One of the key issues is whether the accused killed the deceased or whether the latter was a victim of an unintentional road traffic accident.
10. Applying the precedents in *Bhatt v Republic* [1957] EA. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949); and, upon the digest of the evidence of all the eleven witnesses, I find that the Republic has established a *prima facie* case against the accused.
11. Accordingly, under the provisions of section 306 (2) of the *Criminal Procedure Code*, I place the accused on his defence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT MURANG'A THIS 7TH DAY OF JUNE 2022.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of:

The accused.

Mr. Okerosi for the accused.

Ms. Muriu for the Republic.

Ms. Susan Waiganjo, Court Assistant.

