



Case Number:	Criminal Case 2 of 2007
Date Delivered:	26 Feb 2008
Case Class:	Criminal
Court:	High Court at Eldoret
Case Action:	Judgment
Judge:	Kaburu Bauni
Citation:	REPUBLIC v JAMES KIMANI KITHINJI [2008] eKLR
Advocates:	Mr. Omutelema for state Mr. Kipnyekwei for Accused person
Case Summary:	Criminal practice and procedure-murder -the accused was charged with murder-where the prosecution did not call any witnesses to substantiate the particulars of the charge-whether the prosecution had established a prima facie case to warrant the accused being place on his defence-Penal Code section 203, 204
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

Criminal Case 2 of 2007

REPUBLIC:.....STATE

VERSUS

JAMES KIMANI KITHINJI:.....ACCUSED

JUDGEMENT

JAMES KIMANI KITHINJI, the accused herein, is charged with the offence of murder contrary to S.203 as read with section 204 of the Penal Code in that on the night of 11th and 13th November 2006 at Kaboswa Tea Estate within Nandi Hills he murdered **VERITA WANJIKU**.

The prosecution closed its case without calling any witnesses. I therefore find there is absolutely no evidence to support the information and the particulars of the information. The accused, when he first appeared in court and the information and particulars were read to him, denied committing the offence and he continues to do so to date. It was upon the prosecution to adduce evidence to support the information but this they did not do despite the court giving them ample time to do so.

I therefore find the information and the particulars are unsupported. There is no evidence to prove a prima facie case to warrant the court call the accused to his defence. Consequently I find accused not guilty as charged and acquit him. Accused be set at liberty forthwith unless otherwise legally held.

Dated and Delivered at Eldoret on 26th day of February,2008.

KABURU BAUNI

JUDGE

DELIVERED IN PRESENCE OF:-

C/C - David

Mr. Omutelema for state

Mr. Kipnyekwei for Accused person.



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