



**Republic v Simiyu (Criminal Case E031 of 2023)  
[2024] KEHC 9186 (KLR) (29 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9186 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
CRIMINAL CASE E031 OF 2023**

**DK KEMEI, J  
JULY 29, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**EDWIN WAFULA SIMIYU ..... ACCUSED**

**RULING**

1. Court: I have considered the evidence adduced by the six (6) prosecution ‘s witnesses and find that the accused herein Edwin Wafula Simiyu has been placed at the scene of Crime thereby requiring him to render an explanation as to how the deceased met his death. Consequently, I find that the prosecution has established a prima facie case against the accused herein to warrant him to be called upon to make a defence . Hence, I find that the accused has a case to answer and who is now called upon to elect to conduct his defence in line with the provisions of section 306 (2) of the [Criminal Procedure Code](#).

**DATED AT BUNGOMA THIS 29<sup>TH</sup> DAY OF JULY 2024**

**D K KEMEI**

**JUDGE**

**29. 7.2024**

In the presence of :-

Edwin Wafula Simiyu accused

Mrs Wakoli for the accused

Kibet for the Prosecution

Kizito Court Assistant

