



**Republic v Kiarie (Criminal Case E034 of 2022)  
[2024] KEHC 14907 (KLR) (27 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14907 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE E034 OF 2022  
HI ONG'UDI, J  
NOVEMBER 27, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**FRANCIS KIARIE ..... ACCUSED**

**RULING**

**Ruling On Case To Answer**

1. Francis Kiarie the accused herein is charged with two counts of Murder contrary to section 203 as read with section 204 of the penal code. The particulars in the 1<sup>st</sup> count are that on 3<sup>rd</sup> day of December, 2016 at Mercy Njeri Centre within Nakuru county murdered Charles Kariuki alias Karis. The particulars of the charge in the second count are that on the 3<sup>rd</sup> day of December, 2016 at Mercy Njeri Centre within Nakuru county murdered John Maina alias Krobon.
2. He denied the charges and the case proceeded to full hearing with the prosecution calling nine (9) witnesses. I have considered the evidence adduced plus the submissions by both counsel on no case to answer. From the evidence the deceased persons died as a result of gunshot wounds. PW1, PW2 and PW3 heard gunshots and they have testified on what they heard, saw and did PW7, PW8 and PW9 have also testified on the role they played in the whole matter. There is no dispute that the accused was at the scene of incident and he is a police officer.
3. After considering all the evidence I am satisfied that a prima facie case has been established against the accused who I hereby place on his defence on both counts, under section 306(2) of the *Criminal Procedure Code*.
4. Orders accordingly.



**DELIVERED, DATED AND SIGNED THIS 27<sup>TH</sup> DAY OF NOVEMBER, 2024 IN OPEN COURT  
AT NAKURU.**

**H. I. ONG'UDI**

**JUDGE**

