



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Kiburi (Criminal Case 106 of 2018)
[2023] KEHC 362 (KLR) (26 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 362 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 106 OF 2018
TW CHERERE, J
JANUARY 26, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHARLES MUTWIRI KIBURI ACCUSED

RULING

1. Charles Mutwiri Kiburi (accused) is charged with the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#).

The particulars of the charge are that on October 27, 2018 at Kiarau village Amugaa sub-location in Tigania central sub-county within Meru county murdered Jeremiah Kirimi M'Mbirithi

2. Accused denied committing the offence and the prosecution called a total of five (5) witnesses in support of their case. Upon the prosecution closing its case this court has to determine whether or not the prosecution has established a prima facie case against the accused.

3. In [Republic v Abdi Ibrahim Owl](#) [2013] eKLR a prima facie case was defined as follows: -

“Prima facie” is a Latin word defined by Black’s Law Dictionary, 8th Edition as “Sufficient to establish a fact or raise a presumption unless disproved or rebutted”. “Prima facie case” is defined by the same dictionary as “The establishment of a legally required rebuttable presumption”.

4. Having considered the evidence tendered by the prosecution, I am persuaded that a *prima facie* case has been established that warrants this court to call upon the accused persons to defend themselves
5. Accordingly, accused shall proceed as provided under section 306 (2) of the [Criminal Procedure Code](#).

DELIVERED AT MERU THIS 26TH DAY OF JANUARY 2023



WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Kinoti

Accused - Present

For the Accused - Mr. Otieno Advocate

For the State - Ms. Mwaniki (PPC)

