



**Republic v Ndirangu (Criminal Case E007 of 2022)
[2023] KEHC 21141 (KLR) (27 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21141 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL CASE E007 OF 2022
FN MUCHEMI, J
JULY 27, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHARLES NDEREBA NDIRANGU ACCUSED

RULING

1. The accused person faces a charge of murder contrary to section 203 as read with section 204 of the [Penal Code](#) to which he pleaded not guilty.

The prosecution called a total of eight (8) witnesses and closed its case on July 11, 2023.

2. I have carefully perused the evidence on record and noted that there is a witness who placed the accused person at the scene of crime and claims to have witnessed the assault. In determining whether a *prima facie* case has been made by the prosecution, its important to examine the dicta in the Court of Appeal case of [Antony Njeru v Republic](#) [2006]eKLR as follows:-

“Taking into account the evidence on record, what the learned judge said in his ruling on no case to answer, the meaning of a *prima facie* case as stated in *Bhatt’s* (supra), we are of the view that the appellant should not have been called upon to defend himself as all the evidence was on record. It seems as if the appellant was required to fill in the gaps in the prosecution case. We wish to point out here that it is undesirable to give a reasoned ruling at the close of the prosecution case, as the learned Judge did here unless the court concerned is acquitting the accused person.”

3. Relying on the above principle, I am of the view that it is not necessary at this point to do the analysis of the evidence. The holding of the Court of Appeal in my view was intended to prevent a scenario where the court would pre-empt the case of the defence if it was to do analysis. As such, I find that



the prosecution has established a *prima facie* case against the accused person. The accused person has a case to answer and is hereby called upon to give his defence.

4. It is hereby so ordered.

DELIVERED, DATED AND SIGNED AT NYERI THIS 27TH DAY OF JULY, 2023.

F. MUCHEMI

JUDGE

Ruling delivered through video link this 27th day of July 2023

