



REPUBLIC OF KENYA



**Republic v Njuguna (Criminal Case 4 of 2019)
[2023] KEHC 21799 (KLR) (30 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21799 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE 4 OF 2019
J WAKIAGA, J
AUGUST 30, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

PAUL NJOROGE NJUGUNA ACCUSED

RULING

1. The accused was charged with the offence of murder contrary to section 204 as read with section 204 of the [Penal Code](#). The particulars of which were that on the April 6, 2019, at Ndutumi sub-location in Kahuro sub-county within Muranga county murdered Collins Waweru Njambi.
2. He pleaded not guilty to the said charges and to prove its case, the prosecution called and examined five witnesses at the close of which submissions were made by the prosecution to the effect that PW2 saw the accused at the scene and grabbed a panga from him and that the accused had called PW3 and informed her that he was planning to kill the deceased and that PW5 found the wallet containing the accused documents at the scene thereby proving prima facie case.
3. At this stage of the proceeding, all that the court is required to do, is to establish whether based on the evidence of record, it will be willing to convict the accused should he opt not to offer any evidence on his defence as was stated in the case of *Bhatt v Republic* [1957] E A.
4. The court is not at this stage of the proceeding required to make a detailed analysis of the evidence tendered unless the verdict of no case to answer is to be entered as was stated in *Festo Wandera Mukando v The Republic* [1980] KLR 103 where the court stated that it can prove embarrassing to the court and in extreme cases may require an appellate court to set aside an otherwise sound judgement, so where no case is rejected the court should say no more than that its.
5. With that injunction in mind, I have looked at the evidence tendered before the court and in particular the identification of the accused at the scene and I am satisfied and hold that the prosecution has



established a prime facie case to enable me put the accused on his defence under the provision of section 306(1) of the *Criminal Procedure Code* which I hereby do.

6. The accused through his advocate is now called upon to choose how he intend to defend himself and it is ordered.

DATED SIGNED AND DELIVERED AT MURANGA THIS 30th DAY OF AUGUST 2023

J. WAKIAGA

JUDGE

In the presence of:

Ms Gakumu for State

Mr Nandwa for Mr. Mbugua for the Accused

Susan – Court Assistant

