



**Republic v Kemboi (Criminal Case 3 of 2017)
[2023] KEHC 25932 (KLR) (30 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25932 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 3 OF 2017
JK SERGON, J
NOVEMBER 30, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

CHARLES CHERUIYOT KEMBOI ALIAS MREFU ACCUSED

RULING

1. Charles Cheruiyot Kemboi alias Mrefu, the Accused herein was charged with the information of Murder Contrary to Section 203 as read with 204 of the [Penal Code](#). The Particulars of the information dated 23rd February, 2017, are that on 19th February, 2017 at Kapsoit Trading Centre Belgut Sub - County within Kericho County the accused murdered Andrew Kibet Rono.
2. The accused person according to court records was arrested on 22nd February, 2017 and arraigned in court on 23rd February, 2017.
3. On 14th March 2017, the accused person took plea and pleaded not guilty to the charge of murder.
4. The prosecution called five (5) witnesses who testified in support of its case against the accused person herein. The Accused was invited to submit on no case to answer but he opted not to make any submissions.
5. Having considered the evidence of the five witnesses summoned by the Prosecution, it is clear that the Accused is placed at the Scene of Crime. The evidence also links the Accused with the commission of the offence he underwent trial for.
6. In the end, I am satisfied that the Prosecution has established a *prima facie* case. Consequently, the Accused is placed on his defence Under Section 211 of the [Criminal Procedure Code](#). The Accused should inform this Court whether he is testifying in person and if yes, whether he will give sworn or unsworn testimony. He should also indicate whether he will summon independent witnesses or not.



DATED, SIGNED AND DELIVERED AT KERICHO THIS 30TH DAY OF NOVEMBER, 2023.

J. K. SERGON

JUDGE

In the presence of:

Mr. Musyoki – Prosecutor

Accused – Present in Person

Kiletyen for the Accused

