



**Republic v Musyala (Criminal Case 21B of 2017)
[2022] KEHC 3164 (KLR) (28 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 3164 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL CASE 21B OF 2017**

**GMA DULU, J
JUNE 28, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSEPH MUSYOKA MUSYALA ACCUSED

RULING

1. Having considered the evidence of the prosecution on record, and taking into account the reasoning in the case of *Ramanlal Bhatt v R* [1957] E.A 322 that an accused person can be put on his/her defence only when a *prima facie* case has been established by the prosecution, as well as the submissions herein of counsel for the accused person, I am of the view that the prosecution has established a *prima facie* case against the accused person herein, based on the evidence on record.
2. This is bearing in mind that a *prima facie* case is simply a case, as explained by the court in *R. Bhatt v R (supra)* is evidence where a reasonable court, taking into account the evidence on record and the accused not rendering any evidence in defence, may convict. The standard thus for establishing a *prima facie* case is much lower, than proof beyond any reasonable doubt.
3. Having found that the prosecution has established a *prima facie* case against the accused person herein, he has a case to answer, and I proceed to put him on his defence, and will thus explain to him the options available in his defence under section 211 of the *Criminal Procedure Code* (cap.75).

DELIVERED, SIGNED & DATED THIS 28TH DAY OF JUNE 2022, IN OPEN COURT AT MAKUENI.

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George Dulu

Judge

