



**Republic v Baragu & another (Criminal Case 31 of 2016)
[2022] KEHC 11814 (KLR) (17 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11814 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 31 OF 2016
EM MURIITHI, J
AUGUST 17, 2022**

BETWEEN

REPUBLIC PROSECUTION

AND

PATRICK ITHALII BARAGU 1ST ACCUSED

JAMES MURIITHI NTONJA (DECEASED) 2ND ACCUSED

RULING

1. The court has considered the evidence of the prosecution adduced by the 5 witnesses who testified, and has formed an opinion in terms of section 306 (2) of the [Criminal Procedure Code](#) that the accused persons committed the offence charged.
2. Accordingly, pursuant to section 306 (2) of the [Criminal Procedure Code](#), the court informs the accused that he has a case to answer and that he has a right to lead his defence in the manner set out in the sub-section, in accordance with his constitutional right to challenge and adduce evidence under Article 50 (2) (k) of the [Constitution](#).
3. The defence hearing shall be set on a date to be fixed in consultation with the advocates
4. for the accused and the DPP.

DATED AND DELIVERED THIS 17TH DAY OF AUGUST, 2022.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Ms. B. Nadwa for Prosecution counsel for DPP.



Mr. Ashaba Advocate for Accused.

