

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

(CORAM: CHERERE-J)

CRIMINAL CASE NO. 3 OF 2019

BETWEEN

REPUBLIC.....PROSECUTOR

AND

JOHN KIRIMI.....ACCUSED

RULING

1. JOHN KIRIMI (*Accused*) is charged with the offence of Murder Contrary to **Section 203 as read with **Section 204** of the Penal Code. The particulars of the charge are that**

On 27th September, 2018 at Kaneta Location in Igembe Central Sub-County within Meru County, unlawfully murdered DOMINIC MUTUGI

2. In the case of Ramanlal Trambaklal Bhatt -Vs- Republic [1957] E.A 332, a prima facie case was defined as one on which a reasonable tribunal properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.

3. At this stage, the court is not required to decide finally whether the evidence is worthy of credit or whether, if believed, it is weighty enough to prove the case conclusively, -that final determination can only properly be made when the case for the defence has been heard.

4. I have considered the evidence tendered by the four (4) prosecution witnesses and I am persuaded that a *prima facie* case has been established that warrants this court to call upon the Accused to defend himself.

DATED THIS 30th DAY OF September 2021

WAMAE. T. W. CHERERE

JUDGE

Court Assistant - Kinoti

Accused - Present

For the Accused- Mr. Ngunjiri Advocate

For the State - Ms. Mwaniki