



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL CASE NO. 46 OF 2019**

**REPUBLIC.....PROSECUTION**

**VERSUS**

**LESHAN JOSHUA MOCHANGA Alias ONDIEKI..... ACCUSED**

**RULING**

1. At this stage of the proceedings the duty of the court is to determine whether a prima facie case has been established against the accused to warrant him being placed on his defence.
2. I have applied my mind to the Law and the evidence on record. I have factored in the learned submissions of counsel on behalf of the accused. I have had due regard to the principles laid down in **Bhatt –vs- Republic [1957] E.A at page 332.**
3. I am satisfied that, based on the evidence on record and the applicable law, and in realization that at this stage the court is not required to decide finally on the sufficiency of the evidence to secure a conviction, the prosecution has established a prima facie case to warrant the accused person being placed on his defence.

He is so placed.

**DATED, SIGNED AND DELIVERED AT KISII THIS 23RD DAY OF SEPTEMBER, 2021.**

**A.K. NDUNG’U**

**JUDGE**