

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KABARNET

CRIMINAL CASE NO. 6 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

MATHEW KIPSEMON KULEI.....ACCUSED

RULING ON CASE TO ANSWER

[1] This is a ruling on a case to answer pursuant to section 306 of the Criminal Procedure Code. The Counsel for the accused did not wish to make submissions on case to answer and the Counsel for the DPP relied on the evidence presented in the case.

[2] The court is mindful of the relevant case-law authorities of **Ramanlal Bhatt v. R.** (1957) EA 332 and **Murimi v. R** (1967) EA 542 on the issue of principles governing the finding of a case to answer.

[3] Having considered the evidence taken down by this court and, pursuant to section 200 (2) of the Criminal Procedure Code, to evidence taken down by the previous court, this court takes the view that there is evidence upon which the court, in the words of **Bhatt v. R.**, supra, may properly convict the accused for the offence charged **“if no explanation is offered by the Defence”** and, therefore, calls upon the accused to make his defence under section 306 (2) of the Criminal Procedure Code.

[4] The Defence hearing shall be scheduled on a convenient date in consultation with the accused and his counsel.

Order accordingly.

DATED AND DELIVERED THIS 24TH DAY OF NOVEMBER 2020.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. Chepkilot, Advocate for the Accused.

Ms. Macharia, Ass. DPP for the Prosecution.