

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KABARNET

CRIMINAL APPEAL NO. 50 OF 2017

REPUBLIC.....PROSECUTOR

=VERSUS=

SIMON EVANS KANDIE.....ACCUSED

RULING

1. Pursuant to section 306 of the Criminal Procedure Code, I have considered the evidence presented to Court by the 9 prosecution witnesses. The advocates for the defence and prosecution did not wish to make any arguments on case to answer.
2. The Court is mindful of its duty under section 306 (1) of the Criminal Procedure Code as held by *Murimi v. R* (1967) EA 542, to acquit an accused if there is no evidence that the accused committed the offence.
3. In this case, however, the Court considers, in accordance with section 306 (2) of the Criminal Procedure Code, that there is evidence that the accused committed the offence sufficient to call on the accused to make his defence.
4. The accused shall be informed of his right under section 306 (2) of the Criminal Procedure Code, and the case, shall consequently, be set for defence hearing.

Order accordingly.

DATED AND DELIVERED THIS 19TH DAY OF DECEMBER 2019.

EDWARD M. MURIITHI

JUDGE

Appearances:

Appellant in person.

Ms. Macharia, Ass. DPP for the Respondent.