

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT VOI
CRIMINAL CASE NO 4 OF 2015

REPUBLIC

VERSUS

SAMSON MBOGA MWAVINGI.....1ST ACCUSED PERSON

ELAM NJAKA MWAMODO.....2ND ACCUSED PERSON

EZEKIEL MWAKIO MBOGA.....3RD ACCUSED PERSON

SIMON MWAKINA MWAMBAGHA.....4TH ACCUSED PERSON

RULING

1. On 30th November 2017, the Prosecution closed its case after calling a total of eight (8) Prosecution witnesses.
2. The court directed counsel for the State and counsel for the Accused person to file their respective Written Submissions on the question of whether or not the Accused persons had cases to answer. The Accused persons were directed to file their Written Submissions by 5th January 2018 while the State was to file its Written Submissions by 5th February 2018.
3. When the matter came up in court on 6th February 2018, none of the parties herein had filed their respective Written Submissions. This court therefore extended the time within which they were to file their respective Written Submissions.
4. While the Accused person filed his Written Submissions and List of Authorities in support of his case both dated 20th February 2018 on 21st February 2018, the State informed this court that it would not file any Written Submissions but would instead rely on the evidence that had been adduced during trial.
5. Having carefully considered the evidence by the Prosecution witnesses and the Written Submissions by the Accused persons, the court was of the opinion that a *prima facie* case had been established against the Accused persons to warrant them being put on their Defence. They are hereby put on their defence.
6. It is so ordered.

DATED and DELIVERED at VOI this 8th day of March 2018

J. KAMAU

JUDGE

In the presence of:-

Miss Anyumba for State

Kertiony h/b for Were and Miss Omollo for Accused persons

Susan Sarikoki- Court Clerk