

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO. 47 OF 2010

REPUBLIC.....APPELLANT

VERSUS

JAMES KIMUTAI TOWETT.....RESPONDENT

RULING

I have confirmed that there is a subsisting court's order of 15th July, 2015 by *Justice Githua* that this matter was to start De Novo. Given it, no witnesses has been called by the prosecution. There is therefore no evidence to weigh in consideration as to whether a prima facie case is established against him. Accordingly, it is obvious that a prima facie case is not established against him and he is acquitted of the offence under *Section 210* of the *CPC*.

S.M GITHINJI

JUDGE

DATED, SIGNED and DELIVERED at ELDORET this 25th day of July, 2018.

In the presence of:-

The accused

Ms. Kagali for the state

Mr. Mwelem - Court Assistant