

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NUMBER 112 OF 2014

REPUBLIC OF KENYA.....PROSECUTOR

VERSUS

VINCENT KIPROTICH LANGAT.....ACCUSED

RULING

The accused person Vincent Kiprotich Langat was charged with the offence of **Murder Contrary to Section 203** as read with **Section 204 of the Penal Code**. He denied the charge. The prosecution called four witnesses. I have considered the said evidence.

I am called upon to make a determination whether based on the evidence so far adduced, there is sufficient and credible evidence to call upon the accused to defend himself as provided for under **Section 210 of the Criminal Procedure Code**.

The prosecution has urged the court to find that the accused ought to be put on his defence where the defence by its written submissions states that their prosecution has failed to tender direct or circumstantial evidence.

In **Republic -vs- Kyalo Musili Musyimi (2016) e KLR** the court held:

“that the question whether there is a case to answer cannot depend only on whether there is some evidence irrespective of its credibility or weight sufficient to put the accused on his defence. A mere scintilla of evidence can never be enough nor can any amount of worthless discredited evidence---”

The deceased was found dead with a knife stab on her chest in the accused's house. Evidence was adduced that the accused was seen leaving the gate of his house where the deceased lay dead and reported that he was going to the police station to make a report.

Circumstances under which the deceased was found dead in the accused house, and the accused presence at the gate of his house at the material time can only be explained by the accused himself.

For those reasons, I find sufficient circumstantial evidence to warrant the accused being put to his defence.

Orders accordingly.

Dated, Signed and Delivered this 30th Day of January 2017.

J.N. MULWA

JUDGE