



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT VOI**

**CRIMINAL APPEAL NO 6 OF 2014**

**REPUBLIC.....APPLICANT**

**VERSUS**

**BENSON NYAMAI.....RESPONDENT**

**RULING**

1. On 16<sup>th</sup> December 2015 the Prosecution closed its case after calling six (6) Prosecution witnesses.
2. The court directed that counsel for both the State and the Accused person to file their respective Written Submissions on the question of whether or not the Accused person had a case to answer, which they duly did. The Accused person's Written Submissions were dated and file don 8<sup>th</sup> February 2016 while those of the State were dated and filed on 10<sup>th</sup> February 2016.
3. Having carefully considered the evidence by the Prosecution witnesses and the Written Submissions by both the counsel for the State and the Accused person, the court was of the opinion that a *prima facie* case had been established to warrant the Accused person to be put on his Defence. He is hereby put on his defence.
4. It is so ordered.

**DATED and DELIVERED at VOI this 23<sup>rd</sup> day of February 2016**

**J. KAMAU**

**JUDGE**

In the presence of:-

Sirima..... for State

Mwanyumba.....for Accused person

Simon Tsehlo– Court Clerk