



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT VOI**  
**CRIMINAL APPEAL NO 8 OF 2014**

**REPUBLIC**

**VERSUS**

**PATRICK MWASI.....1<sup>ST</sup> ACCUSED**

**JOHN MWANJEWE MDAMU.....2<sup>ND</sup> ACCUSED PERSON**

**RULING**

1. On 31<sup>st</sup> March 2016 the Prosecution closed its case after calling a total of ten (10) 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. Mr Mwinzi filed Written Submissions for both the 1<sup>st</sup> and 2<sup>nd</sup> Accused persons. The said Written Submissions dated 13<sup>th</sup> March 2016 and cases in support thereof were filed on even date. The State's Written Submissions dated 9<sup>th</sup> June 2016 and cases in support of its case were filed on the same date.
3. Having carefully considered the evidence by the Prosecution witnesses and the Written Submissions by both the counsel for the State and the Accused persons, the court was of the opinion that a *prima facie* case had been established against the 1<sup>st</sup> and 2<sup>nd</sup> Accused persons to warrant them being put on his Defence. They are hereby put on their defence.
4. It is so ordered.

**DATED and DELIVERED at VOI this 21<sup>ST</sup> day of JUNE 2016**

**J. KAMAU**

**JUDGE**

In the presence of:-

Sirima..... for State

Mwinzi .....for Accused person

Simon Tsehlo– Court Clerk