



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT VOI**  
**CRIMINAL APPEAL NO 5 OF 2014**

**REPUBLIC**

**VERSUS**

**MUSYA MULWA**

**RULING**

1. On 16<sup>th</sup> March 2016 the Prosecution closed its case after calling nine (9) 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. The Accused person filed his Written Submissions dated 31<sup>st</sup> March 2016 and cases in support of his case on 14<sup>th</sup> April 2016. His Further List of Authorities dated 15<sup>th</sup> April 2016 bore a date of 13<sup>th</sup> March 2016 as the date of filing. The State's Written Submissions dated 9<sup>th</sup> June 2016 and authorities in support of its case were filed on 9<sup>th</sup> June 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 against the Accused person to warrant him being put on his Defence. He is hereby put on his 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