



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 4 OF 2015**

**REPUBLIC .....PROSECUTOR**

**VERSUS**

**HARUN MUREITHI GUCHU ..... ACCUSED**

**RULING**

[1] **HARUN MUREITHI GUCHU** is charged with the **offence of murder contrary to section 203 as read with section 204 of the Penal Code**. The prosecution called a total of 7 witnesses and then closed its case. In accordance with the provisions of section 306 of the Criminal Procedure Code Cap 75, I am required to consider whether the accused has a case to answer.

[2] At this stage the court in determining whether the accused has a case to answer the court should establish whether the 7 witnesses called by the prosecution established a prima facie case. The case **RAMANLAL TRAMBAKLALBHATT V. REPUBLIC (1957)EA 332** defined a prima facie case as follows:-

**“It may not be easy to define what is meant by a “prima facie case”, but at least it must mean one on which a reasonable tribunal, properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.”**

[3] Bearing in mind that definition and having considered the evidence adduced by the prosecution, **I do find that the accused has a case to answer**. Accordingly in compliance with **section 306(2) of Cap 75** I hereby inform the accused that he has a right to address the court, either personally or by his advocate, he has a right to give evidence on his own behalf or to make an unsworn statement and to call witnesses in his defence.

**DATED AND DELIVERED THIS 28<sup>TH</sup> DAY OF JULY 2016.**

**MARY KASANGO**

**JUDGE**

**CORAM:**

Before Justice Mary Kasango

Court Assistant – Njue

Appellant: Harun Mureithi Nguchu .....

For the State: .....

**COURT**

Ruling delivered in open court.

**MARY KASANGO**

**JUDGE**