

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 23 OF 2012

REPUBLIC.....PRO

SECUTOR

VERSUS

BRIAN KIRWA

BOWEN.....ACCUSED

RULING

1. This case was part heard by Judge Ouko. The prosecution closed its case on the 18th October 2012. Five witnesses testified for the prosecution.
2. State Counsel Mr. Marete for the State and Ms. Mary Advocate for the accused indicated that they would file written submissions under the provisions of section 306 of the Criminal Procedure Code. However, on the 27th November 2014, the parties abandoned filing of written submissions and urged the court to consider the evidence on record and make a ruling as to whether or not the accused should be placed on his defence.
3. I have perused the proceedings on record and carefully considered the evidence tendered by the prosecution witnesses. I am satisfied that the prosecution has established a prima facie case against the accused. He shall be put on his defence.

Dated, signed and delivered at Nakuru this 23rd day of January 2015

JANET MULWA

JUDGE

Ruling read and signed in open court in the presence of:

Ngovi for State

Wamasaa for Accused

Court clerk - David

JANET MULWA

JUDGE

23/1/2015