



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 42 OF 2011**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**JOSPHAT KIPRUTO BETT.....ACCUSED**

**RULING**

1. The accused is charged with murder contrary to section 203 as read with section 204 of the Penal Code. The particulars are that on the night of 18<sup>th</sup> June 2011 at 3.00am at Chepkemei location within Nandi County, jointly with others not before the court, he murdered James Kipruto. The accused has pleaded not guilty. Seven witnesses were called by the prosecution. I have in particular considered the evidence of PW1, PW5 and PW7.
2. On the totality of that evidence, I am persuaded that the State has established a *prima facie* case against the accused. Accordingly, under the provisions of section 306 (2) of the Criminal Procedure Code, I now place the accused on his defence.

It is so ordered.

**DATED, SIGNED and DELIVERED** at **ELDORET** this 22<sup>nd</sup> day of January 2015.

**GEORGE KANYI KIMONDO**

**JUDGE**

***Ruling read in open court in the presence of-***

The accused.

Ms. Karuga for Mr. Miyienda for the accused.

Ms. Mwaniki for the State.

Mr. J. Kemboi, Court clerk.