



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO. 43 OF 2006**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**HENRY KIPLIMO.....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 22<sup>nd</sup> September 2006 at Chebarus Location in Nandi South District of the Rift Valley Province, he murdered Jane Chelagat Chepkwony.
2. The accused pleaded *not guilty*. The prosecution called fifteen witnesses. I have evaluated the evidence of all those witnesses. I have considered the written submissions by the learned State Counsel and those by the learned counsel for the defence. I have also considered the precedent in *Bhatt v Republic* [1957] E.A. 332.
3. On the totality of the evidence and the precedents, 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 19<sup>th</sup> day of February 2015.**

**GEORGE KANYI KIMONDO**

**JUDGE**

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

Accused.

Ms. Shilwatso for the accused.

Mr. Mulati for the State.

Mr. J. Kemboi, Court clerk.