

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL CASE NO. 1 OF 2013

REPUBLIC.....STATE COUNSEL

VERSUS

HADIJA KANDU ASIF 'ALIAS' MWENDEACCUSED

RULING

At the close of the prosecution evidence, Mr. Onono learned counsel for the defence made submissions on no case to answer. They were exhaustive submissions attacking the prosecution case. The counsel submitted accused had no case to answer and should thus be acquitted.

Mr. Okemwa for the prosecution opposed the request. According to him the prosecution had established a prima facie case that justified the accused being put on his defence.

I have considered the evidence on record, part of which was recorded by my predecessor Justice Mutuku. I have also considered the submissions by counsel for the defence and counsel for the prosecution.

In my view, the evidence on record established a prima facie case against the accused. A prima facie case is one where a court directing its mind to the evidence on record, may convict. I thus find that the accused should be put on her defence.

Consequently I order that the accused herein be and is hereby put on her defence and will proceed to explain to her the alternatives available to her in law.

Dated and delivered at Garissa this 22nd April, 2015

GEORGE DULU

JUDGE