

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO. 4 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

STEPHEN CHEBON KOMEN.....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 4th November 2007 at Milimani Village, Yatoi Sub-Location, Marigat Division, in Baringo County of the Rift Valley Province, he murdered Emmanuel Tarus.

2. The accused pleaded *not guilty*. The prosecution called seven witnesses. I have evaluated the evidence of all those witnesses. I have in particular paid heed to the testimony of PW1, PW5, PW6 and PW7. I have also considered the written submissions by the learned State Counsel and those by the learned counsel for the defence filed on 7th and 8th May 2015 respectively. Relying on the precedent in *Bhatt v Republic* [1957] E.A. 332; and, on the totality of the 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 15th day of June 2015.

GEORGE KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Ms. R. N. Karanja for the State.

Mr. J. Kemboi, Court clerk.