

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO. 44 OF 2007

REPUBLIC PROSECUTOR/RESPONDENT

VERSUS

DAVID KIBET KIPLAGAT ACCUSED/APPLICANT

RULING ON A CASE TO ANSWER

The accused David Kibet Kiplagat was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

Particulars of the charge are that on the night of 1st and 2nd day of September, 2007 at Kapkatet Village Lessos in Nandi South District of the Rift Valley Province, jointly with another not before court murdered Mary Jepkering.

A total of nine prosecution witnesses testified. None of them witnessed the accused murder the deceased. However, the circumstantial evidence surrounding the death of the deceased point a guilty finger at the accused. As to the strength of the same, I think should be left for determination in the Judgment.

The cause of death of the deceased was confirmed as strangulation, pointing at human activity.

Therefore prima facie, I find that the accused has a case to answer and I put him on his defence.

DATED and DELIVERED at ELDORET this 8th day of August, 2013.

G. W. NGENYE – MACHARIA

JUDGE

In the presence of: