

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL CASE NO. 18 OF 2013

REPUBLICPROSECUTOR

VERSUS

FIDELIS MUTETI MWANZIA ACCUSED

RULING

The accused is charged with two (2) counts of murder contrary to Section 203 as read with Section 204 of the Penal Code (Cap 63). Particulars of the offences are stipulated in the charge sheet.

A consideration of the evidence adduced by the prosecution as whole establishes a prima facie case pursuant to the principle laid down in the case of *Ramanlal Trambaklal Bhatt versus Republic (1957) E.A. 322* where it states:

“... it may not be easy to describe what it meant by a “prima facie case”, but at least it must mean one on which a reasonable tribunal, properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.”

Consequently there is sufficient evidence that requires the accused to defend himself in accordance with section 306(2) of the Criminal Procedure Code.

DATED, SIGNED and DELIVERED at MACHAKOS this 17th day of DECEMBER, 2013.

L.N. MUTENDE

JUDGE