



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
CRIMINAL CASE NO. 27 OF 2009

REPUBLICPROSECUTOR

VERSUS

DAVIS KIPKOECH LANGAT.....ACCUSED

RULING

The charge against the accused is murder contrary to **Section 203** as read with **Section 204 of the Penal Code, Chapter 63** of the laws of Kenya. The particulars of the offence are that the accused “on the 25th day of May 2009 at around 8pm at Makutma village in Bomet District within Rift Valley Province murdered Samuel Nyangaro Mogaka”.

The prosecution closed its case after eight (prosecution) witnesses had testified in support of the charge. Under **Section 306 (1)** of the **Criminal Procedure Code (Cap 75)** the Court is enjoined to acquit the accused if it determines that the evidence adduced does establish a prima facie case to warrant the accused being put on his defence. If however, the evidence adduced establishes a *prima facie* case, the Court is enjoined under **Section 306 (2)** to put the accused on his defence.

I have perused the evidence adduced and I am satisfied that there is a *prima facie* case made out to warrant the accused being put on his defence. Accordingly, I put the accused on his defence. His Counsel shall indicate to the Court if the accused shall give sworn or unsworn evidence and whether he shall call witnesses. He is also entitled, if he so desires, to remain mum.

DATED at KERICHO this 14th day of April, 2011

G.B.M KARIUKI, SC
RESIDENT JUDGE

COUNSEL APPEARING

Mr. Chelule, Advocate, for the Accused
Miss. M. N. Idagwa, State Counsel, for the Republic
Mr. R. Koech, Court clerk