

THE REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI(Milimani Law courts)
CRIMINAL CASE NO 15 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

ISMAEL KALAMSHO KABIRU.....ACCUSED

R U L I N G

The accused, **ISMAEL KALAMSO KABIRU**, is charged with the offence of murder contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

The prosecution has called 8 witnesses before closing its case. I am now required to determine whether or not the accused has a case to answer.

From the evidence on record, there are 3 witnesses who told the court that they witnessed the accused shooting the deceased with an arrow.

Thereafter, when the deceased had passed on, his body was examined by a medical doctor. The said doctor ascertained that the death was caused by a penetrating chest injury with severe bleeding.

The doctor testified that he extracted the fatal arrow-head from the body of the deceased.

In the circumstances, I find that the prosecution has established a *prima facie* case against the accused. At this juncture, unless the accused was able to come up with a plausible defence, the court is likely to find him to be criminally liable for the death of **ABIKAR SIYAT**.

In the event, the accused has a case to answer. He is therefore put to his defence.

Dated, Signed and Delivered at Nairobi, this 30th day of May, 2011.

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FRED A. OCHIENG

JUDGE