



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT ELDORET**  
**CRIMINAL CASE NO. 11 OF 2008**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**STEPHEN TOROITICH CHEMAIYO.....ACCUSED**

**RULING**

In the case of **Ramanlal Trambaklal Bhatt -Vs- Republic [1957] E.A 332**, a prima facie case was defined as 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. At this stage, the court is not required to decide finally whether the evidence is worthy of credit or whether, if believed, it is weighty enough to prove the case conclusively,-that final determination can only properly be made when the case for the defence has been heard.

I have considered the evidence which the prosecution has adduced in this case and I am satisfied that the same has demonstrated a prima facie case against the accused as defined in **Bhatt -Vs- Republic [supra]**. The accused in the other words has a case to answer and is put on his defence.

It is so ordered.

**DATED AND DELIVERED AT ELDORET THIS 7<sup>TH</sup> DAY OF DECEMBER, 2011**

**F. AZANGALALA**  
**JUDGE**

**Read in the presence of :-**

**Mr. Kabaka for the State and**

**Mr. Okara for the Accused.**

**F. AZANGALALA**

**JUDGE**

**7<sup>TH</sup> DECEMBER, 2011.**