

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT NAIROBI (MILIMANI LAW COURTS)

CRIMINAL CASE 91 OF 2005

REPUBLIC.....PROSECUTOR

VERSUS

ARAFAT DAUDI.....ACCUSED

RULING

[On whether or not Accused has a case to Answer]

The accused ARAFAT DAUDI was charged with the murder of SONOSI YUSUF SONOSI, which murder allegedly took place on 3/2/1005, at about 7.30p.m. at Kibera Makina, within Nairobi Province.

The accused was charged with the murder herein above, on 1/9/2005.

The prosecution called eight (8) witnesses. The witnesses included those who were present at the scene of crime at the time the offence was allegedly committed.

I have carefully perused the testimony of the eight witnesses, including their answers during the cross-examination by the Learned Defence Counsel, and I have found and reached the conclusion that the prosecution has adduced sufficient evidence to show that the accused has a case to answer.

Accordingly, I rule that the prosecution has established a **prima facie** case warranting the accused to be put on his defence against the charge of murder of **SONOSI YUSUF SONOSI** on 3rd February, 2005.

Accused to be put on his defence.

It is so ruled.

DATED and delivered on this 10th Day of December, 2007.

O.K. MUTUNGI

JUDGE