



**Director of Public Prosecutions v M’rinkanya (Criminal Case
E010 of 2023) [2025] KEHC 2042 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2042 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE E010 OF 2023
TW CHERERE, J
FEBRUARY 6, 2025**

BETWEEN

THE DIRECTOR OF PUBLIC PROSECUTIONS PROSECUTOR

AND

ZACHARY MURIUNGI M’RINKANYA ACCUSED

RULING

1. Zachary Muriungi M’Rinkanya (Accused) is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) in that he murdered one Judith Kathambi on 11th January, 2023
2. Accused denied committing the offence of and the prosecution called a total of five witness in support of its case.
3. This court is called upon to determine whether a prima facie case has been established to warrant the Accused person to be placed on his defence to answer to the charge of murder.
4. The Court of Appeal in [Chai v Republic](#) [2022] KECA 495 underscored the position that a prima facie case is one where the evidence presented could lead a reasonable tribunal to convict if the accused offers no explanation.
5. Upon reviewing the evidence of the five prosecution witnesses, the court determines that a prima facie case has been established.
6. Consequently, under the provisions of Section 306(2) of the [Criminal Procedure Code](#), the accused is hereby called upon to make his defence.

DATED THIS 3RD DAY OF FEBRUARY 2025

WAMAE.T.W. CHERERE



JUDGE

DELIVERED AT MERU THIS 6TH DAY OF FEBRUARY 2025

H.M. NYAGA

JUDGE

This ruling is delivered under the provision of Section 200(1) as read with Section 201 (2) of the [Criminal Procedure Code](#)

APOLOGY FOR DELAY IN DELIVERING RULING

The delay in delivering this ruling was due to an unfortunate accident involving the judge who initially presided over the matter, which necessitated an unavoidable deferment in the judicial process. The court sincerely regrets inconveniences and uncertainty this delay has caused to all parties. The Judiciary remains steadfast in its commitment to the timely and fair dispensation of justice.

