



REPUBLIC OF KENYA



**Republic v Chirchir (Criminal Case 9 of 2017)
[2025] KEHC 2004 (KLR) (20 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2004 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 9 OF 2017
JK SERGON, J
FEBRUARY 20, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

GEOFFREY KIPROTICH CHIRCHIR ACCUSED

RULING

1. Geoffrey Kiprotich Chirchir the Accused herein were charged with the information of Murder Contrary to Section 203 as read with 204 of the [Penal Code](#). Particulars of the information are that on the 30th day of March, 2017 at around 1800 Hours at Poiywek Village, Ainamoi Location, Kericho Sub - County within Kericho County, murdered Diana Chepkorir.
2. On 25th April 2017, the accused person took a plea and pleaded not guilty to the charge of murder. The prosecution called fifteen (15) witnesses who testified in support of its case against the accused herein. The prosecution closed its case.
3. The Learned Counsel representing the accused urged the court to consider the evidence adduced by the prosecution in its ruling for case to answer.
4. The Learned Senior Assistant Director of Public Prosecution on her part maintained that the prosecution had established a prima facie case against the accused beyond reasonable doubt.
5. This court has considered the prosecution's case at length. Pw. 3 stated that on the material day he was at home grazing cattle when he heard screams nearby, upon arriving at the scene he found the deceased who was bleeding profusely and had several cut wounds. Pw. 3 stated he saw the accused flee and hide himself in a nearby bush. Pw. 4 testified that no one was arrested on the material day but on the following day the accused surrendered himself to the law enforcement officers. Pw. 5 testified that he attended the autopsy of the deceased, they identified the body of the deceased and the doctor told them that she died from cut wounds with a panga. Pw. 5 testified that the accused was arrested in connection



with the death of the victim who was his sister. Pw. 6 testified that he accompanied the accused to surrender himself to the law enforcement officers and after they recorded his statement he was escorted to the cells. Pw. 7 testified that on the material day she heard the victim screaming saying “Geoffrey, please forgive me.” and that upon arriving at the scene, they found the victim had succumbed having been cut with a panga. Pw. 7 stated that the accused had fled from the scene and that the panga used to assault the victim was recovered by the roadside. Pw. 10 testified that on the material day, the accused asked her to store his panga and that he collected his panga on the same day and she later learnt that the accused had assaulted the victim with the panga. Pw. 11 testified that on the material day, he saw the accused assault the victim and that the accused fled from the scene and that a panga was recovered at the scene. Pw. 12 a law enforcement officer received a report concerning a murder incident. Pw. 12 testified that they proceeded to the crime scene, the crime scene processed and the body was taken to the morgue for preservation. He testified that the panga was recovered and that the accused surrendered himself at Ainamoi Police Station. Pw. 13 a forensic crime scene investigator, he testified that he documented the crime scene and he produced the photographs and certificate. Pw. 14 a medical officer stated that he conducted an autopsy on the deceased and formed the opinion that the cause of death was severe head injury, spinal cord injury and massive blood loss due to multiple cut injuries caused by multiple cuts and he produced the post mortem report. Pw. 15 a government chemist testified that he conducted a DnA analysis on the panga recovered on the scene and blood samples of the victim and the accused, his findings were that the panga matched with the blood sample of the deceased whereas the panga did not have any genetic relationship with the accused and he produced a report with his findings to the court.

6. I find that the prosecution witness accounts place the accused at the crime scene and there is direct evidence that the accused assaulted the deceased with a panga, which panga was recovered at the crime and that the victim succumbed to the injuries she sustained as a result of the attack.
7. Having considered the testimonies of the prosecution witnesses, the question is whether the evidence tendered establishes a prima facie case against the accused or whether the accused has a case to answer. In *Republic v Abdi Ibrahim Owi* [2013] eKLR, the court defined a prima facie case as follows: “Prima facie’ is a Latin word defined by Black’s Law Dictionary 8th Edition as, “sufficient to establish a fact or raise presumption unless disapproved or rebutted”. ‘Prima facie’ is defined by the same dictionary as “the establishment of a legally required rebuttable presumption.” whereas in *Ronald Nyaga Kiura v Republic*, the court held: “ It is important to note that at the close of the Prosecution, what is required in law at this stage is for the trial court to satisfy itself that a prima facie case has been made out against the accused person sufficient enough to put him on his defence pursuant to the provisions of Section 211 of the *Criminal Procedure Code*...”
8. Having considered the material placed before me, I am satisfied that the prosecution has established a prima facie case for the purposes of a finding that the accused has a case to answer.
9. I accordingly place the accused person on his defence, section 211 of the *Criminal Procedure Code* CAP 75 Laws of Kenya to be complied with.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 20TH DAY OF FEBRUARY, 2025.

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Miss Okello for ODPP



Accused – Present in Person

Miss Kitur holding brief for the Accused

