



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Namon (Criminal Case E011 of 2022)
[2025] KEHC 3011 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3011 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E011 OF 2022
LN MUTENDE, J
MARCH 13, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

JACKSON SITIENEI NAMON ACCUSED

RULING

1. Jackson Sitienei Namon, the Accused, was at a drinking den when one of the revellers was stabbed and he was identified as the culprit hence his arrest.
2. At this point, this court is required to establish if a prima facie case has been established requiring the accused to be placed on his defence. In the celebrated case of Ramanlal Trambaklal Bhatt -Vs- Republic [1957] E.A 332, it was stated that:

“Remembering that the legal onus is always on the prosecution to prove its case beyond reasonable doubt, we cannot argue that a prima facie case is merely one which on full consideration might possibly be thought sufficient to sustain a conviction. This is perilously near suggesting that the court could not be prepared to convict if no defence is made, but rather hopes the defence will fill the gaps in the prosecution case, nor can we argue that the question whether there is a case to answer depends only on whether there is “some evidence irrespective of its credibility or weight sufficient to put the accused on his defence.”

- ii. A mere scintilla of evidence can never be enough nor can any amount of worthless discredited evidence... It may not be easy to define what is meant by prima facie case but at least it must mean 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.” (Emphasis mine).



3. Looking at crucial evidence on record, eye witnesses pointed at the accused as the one responsible for the crime.
4. Therefore, I am satisfied that the prosecution has demonstrated a prima facie case against the accused as defined in the case of Bhatt v Republic (supra), that requires him to address the court in his defence in compliance with Section 306(2) of the *Criminal Procedure Code*.
5. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 13TH DAY OF MARCH, 2025.

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L.N. MUTENDE

JUDGE

