



**Republic v Chepkwony (Criminal Case 53 of 2019)  
[2025] KEHC 6648 (KLR) (15 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6648 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE 53 OF 2019**

**JM NANG'EA, J  
MAY 15, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**KEVIN CHEPKWONY ..... ACCUSED**

**RULING**

1. The accused is charged with Murder Contary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence state that on 27<sup>th</sup> September 2019 at Sachoran Trading Centre, Sirikwa Locaton, Kuresoi North Sub-County, within Nakuru County he murdered Richard Koech Rotich. The accused entered plea of “Not Guilty”.
2. I have perused the evidence adduced by 3 witnesses the prosecution called and the defence Submissons “on no case to answer”. At this stage, the prosecution is required to make out a prima facie case warranting putting of the accused on his defence. In the famous case of Ramanlal T. Bhatt vs Republic, a prima facie case was defined as one in which the court could convict if no defence is offered by the accused. That is not to say, however, that the court will be prepared to convict in every case where the accused fails to give defence. The decision of the court depends on the facts and circumstances of each case while taking into account that the accused has the constitutional right to remain silent.
3. Having been so guided, I note that PW 1 testified to witnessing the accused slapping the deceased in his bar before the two got out of the bar. Post-mortem examination of the deceased’s body opines that he died of acute pneumonia caused by blunt trauma to the stomach. The Pathologist explained that pneumonia is inflammation of the lungs caused by infection or injury.
4. Without delving into further details at this stage, I find that the prosecution has made out a *prima facie* case and the accused is hereby put on his defence. It is established Judicial practice that no reasons



ought to be given for such decision so that an impression is not created that the court has already made up its mind before hearing the defence case.

5. Ruling accordingly.

**RULING DELIVERED THIS 15<sup>TH</sup> DAY OF MAY, 2025 IN THE PRESENCE OF:**

**J. M. NANG'EA, JUDGE.**

