



**Republic v Kariuki (Criminal Case 4 of 2018) [2025] KEHC 5790 (KLR) (6 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5790 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL CASE 4 OF 2018**

**JM NANG'EA, J**

**MAY 6, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**SIMON NJOROGE KARIUKI ..... 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 24<sup>th</sup> November 2017 at Nyathuna area, Nakuru North Sub-County, within Nakuru County he murdered Rachael Wanjiru Mwangi. The accused entered plea of “Not Guilty”.
2. I have perused the evidence adduced by 8 witnesses the prosecution called and note that the defence Counsel chose not to offer 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 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.
4. Ruling accordingly.

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



**RULING DELIVERED THIS 6<sup>TH</sup> DAY OF MAY, 2025.**

