



**Republic v Sitienei alias Franline Moila (Criminal Case
E005 of 2020) [2025] KEHC 11067 (KLR) (22 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11067 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E005 OF 2020**

**JM NANG'EA, J
JULY 22, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DANSON KOBIRIO SITIENEI ALIAS FRANLINE MOILA 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 30th July 2020 at Kapkarang Village Molo Sub-County, within Nakuru County he murdered Vincent Kipyegon Kirui. The accused entered plea of “Not Guilty”.
2. I have perused the evidence adduced by 7 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. 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.
4. Ruling accordingly.

J. M. NANG'EA, JUDGE



RULING DELIVERED THIS 22ND DAY OF JULY , 2025

In the presence of:

The Prosecution Counsel, Mr Wakasyaka

The Defence Counsel, Mr Mong'eri

Accused, present

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

