



Republic v Mugo (Criminal Case 11 of 2018) [2025] KEHC 10384 (KLR) (17 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10384 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
CRIMINAL CASE 11 OF 2018
EM MURIITHI, J
JULY 17, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

JOSEPH MUCHIRA MUGO ACCUSED

RULING

1. By Information dated 23/7/2018, the Accused is charged with the offence of Murder Contrary to Section 203 as read with Section 204 of the Penal Code, with Particulars of the offence that he on the 11th January, 2016 at Githure Village, Nyangeni sub-location, Ngariama location in Kirinyaga East sub-county jointly with others already before court murdered Samuel Nyaga Njagi. The Prosecution called 5 witnesses.
2. The Court has considered as required under section 306 of the Criminal Procedure Code whether there is evidence that the accused person committed the offence. At this stage, the court is required to consider whether the prosecution evidence has established a prima facie case, which was held in Ramanlal T. Bhatt v. R (1957) EA 332, 335 is “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.”
3. Where the Court finds that a prima facie case has been established as held in Kibera Karimi v. R (1979) KLR 36 (Trevelyan & Todd JJ), so as not to prejudice the fair trial of the case by giving the impression that the court has already made up its mind without hearing the defence, the Court does not give detailed reasons. See also Festo Wandera Mukando v. R (1976 – 80) KLR 1626 and Antony Njue Njeru v R, Nairobi C.A. Cr. Appeal No. 77 of 2006 and the Kenya Judiciary Criminal Procedure Benchbook, 2018 at 99-100.
4. In this case, upon consideration of the prosecution evidence adduced by the 5 prosecution witnesses, and having regard to the ingredients of the offence of murder, the Court finds that there is evidence



that the accused committed the offence and in terms of section 306 (2) of the *Criminal Procedure Code*, the accused shall be called upon to make his defence and his rights thereunder shall be explained.

5. Directions for the Defence hearing shall be taken.

Order accordingly.

DATED AND DELIVERED THIS 17TH DAY OF JULY 2025.

EDWARD M. MURIITHI

JUDGE

Appearances

Mr. Mamba for DPP/Prosecution.

Mr. Gitonga for the Accused.

