



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Republic v Karuma & another (Criminal Case E058 of 2021)
[2025] KEHC 11293 (KLR) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11293 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E058 OF 2021**

**JM NANG'EA, J
JULY 10, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

STEPHEN GACHARA KARUMA 1ST ACCUSED

DUNCAN GITAU NJUGUNA 2ND 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 information relating to the charge state that on diverse dates between 11^h December 2021 at Ndege Ndimu Trading Centre, Nakuru North Subcounty, within Nakuru County they jointly with others not before the court murdered Sammy Odongo Nendi. The accused entered plea of “Not Guilty” to the offence.
2. I have perused the evidence adduced by 7 (seven) witnesses the prosecution called and note that submissions “on no case to answer” were not made. At this stage, the prosecution is required to make out a prima facie case warranting putting of the accused persons on their defence or else they be acquitted pursuant to the provisions of section 210 of the [Criminal Procedure Code](#).
3. 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.
4. Without delving into further details at this stage, I find that the prosecution has made out a prima facie case and the accused persons are hereby put on their 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.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 10TH DAY OF JULY , 2025 IN THE PRESENCE OF:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel (Accused 1), Ms Karuga.

The Defence Counsel (Accused 2), Ms Ngugi.

Accused, both present.

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

