



**Republic v Rotich (Criminal Case 33 of 2016)
[2024] KEHC 2563 (KLR) (13 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2563 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE 33 OF 2016
JK SERGON, J
MARCH 13, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

SAMMY ROTICH ACCUSED

RULING

1. Sammy Rotich the Accused herein was charged with the information of Murder Contrary to Section 203 as read with 204 of the *Penal Code*. The Particulars of the information dated 22nd September, 2016, are that on 19th September, 2016 at Ngesumin Village, Bureti Sub - County within Kericho County, the accused person murdered Geoffrey Korir.
2. On 27th September, 2016 the accused person took plea and pleaded not guilty to the charge of murder.
3. The prosecution called five (5) witnesses who testified in support of the case against the accused person herein. Miss. Koech, the Learned Counsel representing the accused person informed this Court that she would not be making any submissions at this stage.
4. The Court proceeded to consider the evidence in order to determine the question as whether or not the Accused has a case to answer.
5. Several prosecution witness accounts place the accused at the crime scene. They further testified that the deceased and the accused had an altercation whereby the accused assaulted the deceased. The deceased suffered fatal injuries as a result and subsequently succumbed two weeks later while undergoing treatment at AIC Litein Mission Hospital.
6. In *Ronald Nyaga Kiura v Republic* [2018] eKLR Limo J. observed as follows; “It is important to note that at the close of prosecution, what is required in law at this stage is for the trial court to satisfy itself that a prima facie case has been made out against the accused person sufficient enough to put him on



his defence pursuant to the provisions of Section 211 of the Criminal Procedure Code. A prima facie case is established where the evidence tendered by the prosecution is sufficient on its own for a court to return a guilty verdict if no other explanation in rebutted is offered by an accused person.”

7. Having considered the material placed before this Court, I am satisfied that the prosecution has established a prima facie case for the purposes of a finding that the accused person has a case to answer. The Accused therefore has a case to answer.
8. I accordingly place the accused person on his defense.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 13TH DAY OF MARCH, 2024.

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J.K. SERGON

JUDGE

In the presence of:

C/Assistant - Rutoh

Prosecutor – Mr. Musyoki

Accused – Present in Person

Kiletyn holding brief for Miss Koech for Accused

