



**Director of Public Prosecutions v Kariti (Criminal Case  
E007 of 2023) [2024] KEHC 6166 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6166 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE E007 OF 2023  
TW CHERERE, J  
MAY 16, 2024**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... PROSECUTION**

**AND**

**ROBERT KIRIMI KARITI ..... ACCUSED**

**RULING**

1. Robert Kirimi Kariti (Accused) is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) in that he murdered one Owen Kinoti on 20<sup>th</sup> November, 2022.
2. Accused denied committing the offence and the prosecution managed to call four witness.
3. In determining whether Accused has a case to answer, court takes cognizance of the fact that the legal onus is always on the Prosecution to prove its case beyond reasonable doubt and not to prove a case that is merely one in which on full consideration might possible be thought sufficient to sustain a conviction. (See In *Ramanlal Trambaklal Bhatt Vs R* [1957] E.A 332 at 335).
4. Having considered the testimonies of the four prosecution witnesses, I am satisfied that a *prima facie* case has been established to warrant Accused to be placed on his defence.
5. The provisions of Section 306(2) of the [Criminal Procedure Code](#) and Article 50(2)(i)(j)(k) of the [Constitution](#) are hereby explained to the accused person in the presence of his advocate Mr. Ng'entu

**DELIVERED AT MERU THIS 16<sup>TH</sup> DAY OF MAY 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistants - Kinoti/Munene



Accused - Present

For the Accused - Mr. Ng'entu Advocate

For the State - Ms. Rita Rotich (PC 1)

