



**Director of Public Prosecutions v Cyprian (Criminal Case
18 of 2016) [2024] KEHC 4880 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4880 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 18 OF 2016
TW CHERERE, J
MAY 9, 2024**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTIONS PROSECUTOR

AND

DOUGLAS KARANI CYPRIAN ACCUSED

RULING

1. Douglas Karani Cyprian (Accused) was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) in that he murdered one Janairo Gitonga M’Anini on the night of 24th January, 2016 at Nkungugu trading Centre in South Imenti Sub County in Meru County.
2. Accused person denied committing the offence and the prosecution called a total of four (4) witnesses in support of their case.
3. Under Section 306 (1) of the [Criminal Procedure Code](#):

“When the evidence of the witnesses for the Prosecution has been concluded, the court, if it considers that there is no evidence that the accused or any one of the several or any one of the several accused committed the offence shall, after hearing, if necessary any arguments which the advocate for the prosecution or the defence may desire to submit, record a finding of not guilty.”
4. The matter comes up for determination on whether a *prima facie* case to warrant the accused person to be placed on his defence to answer to the charge of Murder
5. A *prima facie* case is established where the evidence tendered by the prosecution is sufficient on its own for a court of law to return a guilty verdict even if the accused opts to remain silent.



6. 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.
7. 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 09TH DAY OF MAY 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

Accused - Present

For the Accused - Mr. Ng'entu Advocate

For DPP - Ms. Rita Rotich (PC 1)

