



**Republic v Otieno (Criminal Case E033 of 2022)  
[2024] KEHC 4981 (KLR) (14 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4981 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E033 OF 2022  
DO OGEMBO, J  
MAY 14, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**STEPHEN OCHIENG OTIENO ..... ACCUSED**

**RULING**

1. The Prosecution has called a total of 6 witnesses in this matter. This case is now for the ruling of the court on whether a prima facie case has been established against the accused that would warrant the accused being placed to his own defence. In the case of BHATT –VS. R (1957) EA 332, it was held that a prima facie case is established when a court properly constituted would convict the accused should the accused offer no evidence in rebuttal.
2. I have considered the evidence of the 6 prosecution witnesses. I am convinced that a prima facie case has been established by the prosecution. I accordingly find that the accused has a case to answer and I put him to his own defence. It is so ordered.

**DATED, SIGNED AND DELIVERED THIS 14<sup>TH</sup> DAY OF MAY, 2024.**

**D. O. OGEMBO**

**JUDGE**

**14/5/2024**

**Court**

Ruling read out in Open Court in presence of the Accused, Mr. Were for Accused and Ms. Kerubo for State.

**D. O. OGEMBO**

**JUDGE**



~~14/5/2024~~

Court

Case fixed for defence.

Were

I have fixed for instructions that accused will give sworn evidence. We shall not call any other witness.

**Court**

Matter fixed for defence. Defence hearing on 2/7/2024.

**D. O. OGEMBO**

**JUDGE**

~~14/5/2024~~

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