



**Republic v Otieno (Criminal Case E033 of 2022)
[2024] KEHC 5026 (KLR) (14 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5026 (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 14TH 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~~

