



Republic v Elima (Criminal Case 4 of 2021) [2024] KEHC 7029 (KLR) (12 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7029 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
CRIMINAL CASE 4 OF 2021**

JN KAMAU, J

JUNE 12, 2024

BETWEEN

REPUBLIC PROSECUTOR

AND

BARON MUKHEBI ELIMA ACCUSED

RULING

1. This matter was partly heard by Musyoka J and P.J Otieno J, who took the evidence of Seith Sangoro Amuchuku (hereinafter referred to as “PW 1”). This court took seize of it on 17th April 2023. It proceeded to take the evidence of Ibrahim Kugo Bwamu (hereinafter referred to as “PW 2”), Eliazaro Okoth (hereinafter referred to as “PW 3”), Peter Abuya (hereinafter referred to as “PW 4”), Rose Sachini Keya (hereinafter referred to as “PW 5”), Vincent Gurema Isiaho (hereinafter referred to as “PW 7”) and No 109503 PC Edwin Ombui (hereinafter referred to as “PW 8”).
2. On 29th February 2024, the Prosecution closed its case after calling a total of eight (8) Prosecution witnesses.
3. The Accused person did not file any Written Submissions on the question of whether or not he had a case to answer. The Prosecution’s Written Submissions were dated 25th April 2024 and filed on 30th April 2024. It reproduced the evidence that was tendered during trial and submitted that it had established prima facie case against the Accused person.
4. Having carefully considered the evidence of the said Prosecution witnesses and the Written Submissions by the Prosecution, the court was of the opinion that a *prima facie* case had been established against the Accused person herein to warrant him being put on his defence. He is hereby put on his defence.
5. It is so ordered.

DATED AND DELIVERED AT VIHIGA THIS 12TH DAY OF JUNE 2024



J. KAMAU
JUDGE

