



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Siiye (Criminal Case 54 of 2019)
[2024] KEHC 8793 (KLR) (Crim) (23 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8793 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CRIMINAL

CRIMINAL CASE 54 OF 2019

K KIMONDO, J

JULY 23, 2024

BETWEEN

REPUBLIC PROSECUTION

AND

DORCAS AKINYI SIIYE ACCUSED

RULING

1. The accused is charged with murder contrary to section 203 as read with section 204 of the [Penal Code](#).
2. The Director of Public Prosecutions informs the High Court that on the 2nd September 2018 at Huruma in Starehe Sub-County within Nairobi County the accused murdered Solomon Makau Kaali.
3. She pleaded not guilty. The prosecution lined up eleven witnesses. I am now called upon to determine whether that corpus of evidence is sufficient to place the accused on her defence.
4. The Republic also relies on written submissions dated 3rd June 2024. The defence on the other hand opted not to lodge any submissions.
5. According to learned counsel for the Republic, Ms. Peris Maina, there is sufficient circumstantial evidence linking the accused to the homicide; and, that on the totality of the evidence, the accused has a case to answer.
6. My finding is as follows. It bears repeating that the accused is still deemed innocent at this stage. Furthermore, the inquiry at this juncture is merely to establish if a *prima facie* case has been made out requiring a rebuttal from the accused.
7. From the combined evidence of PW1, PW4, PW5, PW6, PW9 and PW10, the death of the deceased is no longer in doubt. The post-mortem report by the pathologist, Dr. Kiatu, (exhibit 2) which was



produced in evidence by his colleague Dr. Kitheka Kelvin (PW9) concluded that the cause of death was “strangulation with multiple injuries (broken finger and scalp laceration)”.

8. I have also paid heed to the evidence of PW8, the Safaricom data report (exhibit 7) and the testimony by the investigating officer (PW11).
9. Applying the precedents in *Bhatt v Republic* [1957] E.A. 332 and *R v Kipkering arap Koske & another* 16 EACA 135 (1949); and, upon the digest of the evidence of all the eleven witnesses, I find that the Republic has established a prima facie case against the accused.
10. Accordingly, under the provisions of section 306 (2) of the *Criminal Procedure Code*, I now place the accused on her defence.

It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 23RD DAY OF JULY 2024.

KANYI KIMONDO

JUDGE

