



**Republic v Syombua & another (Criminal Case 21 of 2016)
[2024] KEHC 15480 (KLR) (5 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15480 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 21 OF 2016
EM MURIITHI, J
DECEMBER 5, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

MARY RAEL SYOMBUA 1ST ACCUSED

SAMUEL GATHOGO MIANO 2ND ACCUSED

RULING

1. The accused persons are charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). The accused persons pleaded not guilty to the charge and the matter proceeded to trial, and the prosecution called 11 witnesses to prove the charge.
2. The court has considered, as required under section 306 of the [Criminal Procedure Code](#), whether there is the evidence that the accused persons committed the offence. At this stage, the Court is required to consider whether the prosecution has adduced evidence to establish whether a prima facie case exists. A prima facie case within the meaning of Ramanlal T. Bhatt v. R (1957) EA 332, 335, that is “one on which a reasonable tribunal properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.”
3. On the evidence adduced by the Prosecution, the Court considers that there is the evidence that the accused persons committed the offence, having regard to the elements of the offence of murder.

DIVISION - Orders

4. Consequently, the accused persons shall be put on their defence in accordance with section 306 (2) of the Criminal Procedure Code, and their rights thereunder shall be explained.
5. Mention for Directions as to defence hearing on 14/1/ 2025.



Order accordingly.

DATED AND DELIVERED ON THIS 5TH DAY OF DECEMBER 2024.

EDWARD M. MURIITHI

JUDGE

Appearances

Mr. Masila with Ms. Nandwa, Komu & Mukangu for DPP.

Mr. Ashaba for 1st Accused.

Mr. Karanja for 2nd Accused.

