

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 12 OF 2016

REPUBLIC.....PROSECUTOR

VERSUS

DAVID KETER MALAKWEN.....ACCUSED

RULING

1. The accused herein was charged with the offence of **Murder contrary to section 203 as read with section 204 of the penal code**. The victim was one Mercy Chepngetich. The prosecution called a total of 7 witnesses.
2. At the end of the prosecution's case the court ordered that the parties do file written submissions which they have complied. The court has perused the same with the authorities cited.
3. At this juncture the court is not expected to go into much details of the matter but simply to establish whether a *prima facie* case has been established against the accused.
4. Taking the totality of the facts of this case as presented by the prosecution witnesses especially the medical evidence tendered this court is of the considered opinion that a *prima facie* case has been established against the accused.
5. Consequently, let him be placed on his defence.

Dated signed and delivered via video link at Nakuru this 4th day of November 2021.

H .K. CHEMITEI

JUDGE