

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARSEN

CRIMINAL CASE NO 7 OF 2015`.

REPUBLIC.....PROSECUTION

VERSUS

MOSES KIBET KANGONGO.....ACCUSED

RULING

1. The accused Moses Kibet Kangogo is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence are that on the 4th day of December, 2015 at Ngao QRT Camp Ngao trading centre within Tana River County murdered John Ngang'a.
2. The trial began before Ongeri J on 19th July 2016 who heard 6 witnesses. I subsequently took over the matter and have heard 2 witnesses. The prosecution closed its case on 12th February, 2019 after presenting a total of 8 witnesses and producing 5 exhibits.
3. I have carefully considered the evidence now on record and the submissions of the parties. It is my finding that the prosecution has established a *prima facie* case against the accused. He has a case to answer. He is invited to make his defence in accordance with Section 306 of the Criminal Procedure Code.

Orders accordingly.

Ruling dated, signed and delivered at Garsen this 18th day of June, 2019.

.....

R. LAGAT KORIR

JUDGE

In the presence of

The Accused present in person

Sharon - Court Assistant

Ms. Aoko - for the Accused

Mr. Kasyoka -for the State