

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL CASE NO. 20 OF 2014

REPUBLIC.....STATE

VERSUS

MIKE KIPRONO KORIR.....ACCUSED

RULING

1. The Accused Person, Mike Kiprono Korir was arraigned before this Court facing a single count of murder contrary to section 203 as read together with section 204 of the Penal Code. The particulars alleged in the Information that that between 1st February, 2014 and 2nd February, 2014 at Sigito Farm in Rongai District within Nakuru County, it is alleged that the Accused Person murdered Simon Chepkwony.
2. The prosecution called seven witnesses to prove the case against the Accused Person. At the close of the Prosecution case, the Court is required to determine if the Prosecution has made out a case sufficiently to call upon the Accused Person to defend himself. At this point, the Court is only required to determine if **“there is some evidence (not inherently incredible) which, if he were to accept it as accurate, would establish each essential element in the alleged offence” which is murder in this case. (Haw Tua Tau (1981) 2 MLJ 49)**
3. The Prosecution witnesses sketched a narrative of a confrontation between the Accused Person, who owned a milk shop, and the Deceased, who went to buy milk at the shop. According to the Prosecution witnesses the confrontation ended with the Accused Person attacking the Deceased and pushing him to the ground. It is alleged that that is how the Deceased got the fatal injury that led to his death.
4. Based on all the evidence adduced, there is enough material to conclude that a *prima facie* evidence has been established sufficiently to call upon the Accused Person to answer. Consequently, the Accused Person is hereby put on his defence.

Dated and delivered at Nakuru this 6th day of June, 2019.

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JOEL NGUGI

JUDGE