

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO. 85 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

CHEPKARIANG LOKADIO.....ACCUSED

RULING

1. The accused is charged with *murder* contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that on diverse dates between 16th November 2011 and 21st November 2011, at Kaitunga village, Loyamorok Location in East Pokot District, Baringo County of the Rift Valley Province, she murdered *Yego Lokol*.
3. She pleaded *not guilty*. The prosecution called *seven* witnesses. I have considered the *circumstantial* evidence surrounding the homicide in this case. I have in *particular* paid close attention to the evidence of PW1, PW2 and PW3. I have also considered the submissions by the learned prosecution counsel filed on 9th February 2017; and, those by the learned defence counsel filed on 10th February 2017.
4. On the summation of the evidence of the *seven* witnesses, I am persuaded that the Republic has established a *prima facie* case against the accused. See *Bhatt v Republic* [1957] E.A. 332, *R v Kipkering arap Koske & another* 16 EACA 135 (1949).
5. Accordingly, under the provisions of section 306 (2) of the Criminal Procedure Code, I put the accused on her defence.

It is so ordered.

DATED, SIGNED and DELIVERED at ELDORET this 21st day of February 2017.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Ms. Tigoi for the accused.

Ms. B. Oduor for the Republic.

Mr. J. Kemboi, Court Clerk.