

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL CASE NO. 20 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

CLEOPHAS KIPKETER KEINO.....ACCUSED

RULING

1. The accused is charged with *two* counts of *murder* contrary to section 203 as read with section 204 of the Penal Code.
2. The particulars are that on 28th April 2008 at Kibwareng Location in Nandi South District of the Rift Valley Province, he murdered *Abel Kipkorir* and *Emmanuel Kibet*.
3. He pleaded *not* guilty. The prosecution called *seven* witnesses. I have considered the evidence surrounding the homicide in this case. I have in particular paid close attention to the evidence of PW1, PW2 and PW3. The three were *eye witnesses* to the *attack* by the *accused* on the two deceased children. I have pieced their evidence together with that of PW4, PW5, PW6 (the pathologist) and PW7.
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 his defence.

It is so ordered.

DATED, SIGNED and DELIVERED at **ELDORET** this 6th day of June 2017.

KANYI KIMONDO

JUDGE

Ruling read in open court in the presence of-

Accused.

Mr. Nyambegera for the accused.

Ms. Kegehi for the Republic.

Mr. J. Kemboi, Court Clerk.