

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

CRIMINAL CASE NO. 32 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

GODFREY MUYALE.....ACCUSED

RULING

1. On 21/06/2011, the Accused person, **GODFREY MUYALE**, was charged with the offence of murder of one **JAPHETH LIJOODI**. He pleaded not guilty and the trial subsequently followed.

2. The prosecution availed a total of 5 witnesses and at the close of the prosecution's case, the defence Counsel urged the Court to find that the prosecution had not established any prima-facie case as against the Accused person and to accordingly acquit him. The prosecution was categoric that indeed there was ample evidence to place the Accused person on his defence.

3. I have carefully considered the evidence on record. The evidence of PW2 places the Accused person at the scene of murder given that PW2 was in the company of the deceased when he was allegedly stabbed by the Accused person. PW4's evidence confirms that the deceased died as a result of a stab wound. This is therefore a case which calls for the Accused person to be given an opportunity to further interrogate the prosecution's evidence. I have considered the submissions of Counsels and have come to the conclusion that the prosecution has established a prima facie case against the Accused person and he is hereby put on his defence.

Orders accordingly.

DELIVERED, DATED and SIGNED this 16th day of July, 2015

A.C. MRIMA

JUDGE