

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE NO. 51 OF 2009

REPUBLIC PROSECUTOR

VERSUS

JACOB MUSEE INGOSI ACCUSED

RULING

1. When **JOHN MUTSOTSO** was murdered on 20th/21st October, 2009, **JACOB MUSEE INGOSI** alias **TONNY** was subsequently charged with the said murder on 25/03/2010. He denied the charge and the trial followed thereafter.
2. A total of 6 witnesses testified and at the close of the prosecution's case this Court revisited the evidence in order to establish if at all any *prima facie* case had been established against the Accused person.
3. This Court returns the finding that indeed the prosecution managed to establish a *prima facie* case as against the Accused person warranting him to be placed on his defence. The Accused person therefore has a case to answer. Section 306 of the Criminal Procedure Code to be accordingly complied with.

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

A.C. MRIMA

JUDGE