



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL CASE NO. 65 OF 2013**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**CHARLES MORARA ONDARA.....ACCUSED**

**RULING**

Charles Morara Ondara, the accused in this case, is charged with murder contrary to section 203 read with section 204 of the Penal Code. It is alleged in the particulars of the offence that on 9<sup>th</sup> June 2013 at about 19.00 hours within Ongata Rongai Mayor Road in Kajiado County murdered Victor Mogwasi.

The duty of this court at this stage of the trial is to determine whether the prosecution has made out a prima facie case to require the accused to be put on his defence. I have reviewed and analysed all the evidence of nine (9) prosecution witnesses. The evidence shows that the deceased and the accused were involved in an altercation leading to the stabbing of the deceased as a result of which he died. The accused is implicated in that stabbing. He was arrested and charged with this offence.

My careful analysis leads me to conclude that a reasonable tribunal, and I have no doubt that this court is a reasonable one, properly directing its mind to the law and the evidence could convict on this evidence if no explanation is offered by the defence. Consequently I find that a prima facie case has been established and hereby place the accused on his defence. In compliance with section 306 (2) of the Criminal Procedure Code, I hereby inform the accused person of his right to address this court and inform it how he wishes to defend himself and whether he has any witnesses to call in his defence. It is so ordered.

**Dated, signed and delivered this 6<sup>th</sup> day of October 2015.**

**S. N. MUTUKU**

**JUDGE**