



**Republic v Muriira (Criminal Case E005 of 2022)
[2025] KEHC 14512 (KLR) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14512 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
CRIMINAL CASE E005 OF 2022
AK NDUNG’U, J
OCTOBER 16, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

COLLINS MUTUMA MURIIRA ACCUSED

RULING

1. The Accused person, Collins Mutuma Muriira is charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars were that on 28/08/2022 at Mathagiroti village, Katheri location, Buuri sub-county within Meru County murdered Angelica Kanorio.
2. The accused person took plea on 28/09/2022 and he pleaded not guilty to the charge. The prosecution called a total of nine (9) witnesses. In this ruling, the court is being called upon to decide whether or not the prosecution has made out a prima facie case against the accused person that would warrant this court to call upon him to give his defence.
3. The prosecution’s counsel filed written submissions dated 29/09/2025. Counsels for the accused person chose not to submit. The prosecution counsel submitted that the deceased died as a result of head injuries occasioned by blunt force trauma. That a person who hits another on the head should be aware that the act is likely to result in the death of the victim or grievous harm. Therefore, the injuries inflicted fit within the definition of malice aforethought pursuant to section 206 of the Penal Code and as defined in the case of Bonaya Tutu Ipu & another v Republic (2015) eKLR. Further, PW1-PW3 testified of a strained relationship between the accused and the deceased in that the accused had tendencies of stealing from the deceased and sometimes would be violent towards her. That his actions after the murder also depicted malice aforethought as was held in Bonaya Tutu Ipu case (supra) in that the witnesses noted that the Accused’s earthen floor had been swept and water sprinkled which is suggestive efforts aimed at covering up the murder or to distort evidence. That all these taken cumulatively, shows that the accused had malice aforethought.



4. As to actus reus, she submitted that the accused had an opportunity to murder the deceased and he was also the first person to see her dead. That PW3 testified that the accused is the one that told him that the deceased had passed on and he then showed him her body and he had no explanation regarding how the deceased died and how her body ended up in his house. Further, PW4 testified that the body had signs of early decomposition which was a suggestion that it had been in the accused's house more than a day where the accused was living at the material time. That a reasonable person who finds a body in his house would have raised alarm instead of cleaning the house and covering the body. She placed reliance on the case of *Republic v Richard Itweka Wahiti (2020) eKLR* where the court accepted circumstantial evidence and especially cover up efforts as events pointing to the guilt of an accused person.
5. She submitted that the accused was of sound mind at the time of the commission of the offence even though he had history of mental illness which was treated by PW6 who had placed him under medication 5 months before the offence. Further, he was found fit to plead 9 days after commission of the offence according to the evidence of PW9 which shows that between 23/03/2022 when he was treated by PW6 and the time of murder and arrest, he was of sound mind and disposition. That this fortified PW6's opinion that the medication she prescribed was likely to reverse his condition. She submitted that the circumstantial evidence presented shows an unbroken chain of events which points towards the guilt of the accused person hence the prosecution has established a prima facie case against him.
6. I have considered the evidence so far from the prosecution's side, the submissions by the prosecution and the authorities cited. As I have stated above, the issue before me at this stage is whether the evidence so far adduced warrants calling upon the accused person to defend himself. In other words, does the accused person have a case to answer? In *Republic vs. Abdi Ibrahim Owl [2013] eKLR* a prima facie case was defined as follows: -

“Prima facie” is a Latin word defined by Black's Law Dictionary, 8th Edition as “Sufficient to establish a fact or raise a presumption unless disproved or rebutted”. “Prima facie case” is defined by the same dictionary as “The establishment of a legally required rebuttable presumption”. To digest this further, in simple terms, it means the establishment of a rebuttal presumption that an accused person is guilty of the offence he/she is charged with. In *Ramanlal Trambaklal Bhatt v. R [1957] E.A 332 at 334 and 335*, the court stated as follows:

“Remembering that the legal onus is always on the prosecution to prove its case beyond reasonable doubt, we cannot agree that a prima facie case is made out if, at the close of the prosecution, the case is merely one “which on full consideration might possibly be thought sufficient to sustain a conviction.” This is perilously near suggesting that the court would not be prepared to convict if no defence is made, but rather hopes the defence will fill the gaps in the prosecution case. Nor can we agree that the question whether there is a case to answer depends only on whether there is “some evidence, irrespective of its credibility or weight, sufficient to put the accused on his defence”. A mere scintilla of evidence can never be enough: nor can any amount of worthless discredited evidence...It may not be easy to define what is meant by a “prima facie case”, but at least it must mean one on which a reasonable tribunal, properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.”



7. The court thus has to consider whether based on the evidence before it, and after properly directing its mind to the law and the evidence, it may convict if the accused person chose to give no evidence. It was therefore held in *Ronald Nyaga Kiura vs. Republic* [2018] eKLR that;

“It is important to note that at the close of prosecution, what is required in law at this stage is for the trial court to satisfy itself that a prima facie has been made out against the accused person sufficient enough to put him on his defence pursuant to the provisions of Section 211 of the Criminal Procedure Code. A prima facie case is established where the evidence tendered by the prosecution is sufficient on its own for a court to return a guilty verdict if no other explanation in rebuttal is offered by an accused person. This is well illustrated in the cited Court of Appeal case of *Ramanlal Bhat -vs- Republic* [1957] EA 332. At that stage of the proceedings the trial court does not concern itself to the standard of proof required to convict which is normally beyond reasonable doubt. The weight of the evidence however must be such that it is sufficient for the trial court to place the accused to his defence.”

8. It therefore follows that a case to answer ought only to be found where the prosecution’s case, on its own, may possibly, though not necessarily, succeed. Having considered the material placed before the court, it is my view that the prosecution has established a prima facie case for the purposes of a finding that the accused person has a case to answer. I so find and he is placed on his defence

DATED SIGNED AND DELIVERED VIRTUALLY THIS 16TH DAY OF OCTOBER, 2025.

A.K. NDUNG’U

JUDGE

