



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**HCR NO. E015 OF 2022**

**REPUBLIC .....PROSECUTION**

**VERSUS**

**ERICK GUANTAI.....ACCUSED**

**RULING**

1. ERIC GUANTAI is charged with the offence of Murder, contrary to Section 203 as read with section 204 of the Penal Code.
  
2. The particulars of the offence are that on the 18<sup>th</sup> day of October, 2021, at Kiondu Village, Kaira Sub-location, Kiringa location, within Imenti South Sub-County, within Meru County, he murdered ERIC MUTUGI.
  
3. The accused denied the charges. The prosecution called 6 witnesses. At this stage the court's duty is to determine

whether the prosecution has established a prima facie case to warrant the accused be called upon to tender his defence.

4. What then is a prima facie case? The test of this was settled in the case of **Ramanlal T. Bhatt -v- Republic [1957] E.A. 332** where the court expressed itself 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 is 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.”**

5. 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, 8<sup>th</sup> 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.**

6. Having considered the evidence, I find that a prima facie case has been established.

7. Consequently, the accused is placed on his defence, under Section 306(2) of the Criminal Procedure Code (CPC).

**Dated, signed and delivered at Meru this 23<sup>rd</sup> day of October, 2025.**

**H. M. NYAGA  
JUDGE.**