

REPUBLIC OF KENYA

THE JUDICIARY

IN THE CHIEF MAGISTRATE'S COURT AT NAKURU

CRIMINAL CASE NO. 1186 OF 2023

[A. P. NDEGE; SPM]

REPUBLIC-----DIRECTOR OF PUBLIC
PROSECUTIONS

VS

VOGAN AMADINI AMUSAVI-----ACCUSED

RULING

1. Having gone through the entire evidence for the prosecution, I have come to the conclusion that a *prima face* case has been disclosed with respect to the offence in the first charge, and which requires me to call upon the accused person herein to make his defence as required under section 211 of the Criminal Procedure Code.
2. I however do not find such a case disclosed with respect to the offence in the second count. So as not to prejudice, affect or otherwise influence the accused

person's defence in the first charge, I shall not give reason for the finding at this stage. I shall reserve the same and include them in my final judgment after the close of the defence.

3. I do therefore dismiss the charge with respect to the second count and consequently hereby acquit the accused person pursuant to the provisions of section 210 of the Criminal Procedure Code of the offence of Resisting Arrest by a Police Officer c/s 254 (b) of the Penal Code, sic, as charged in the second count.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 11th DAY

OF November , 2025

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Wakesho

Prosecution counsel: Macharia

Accused: Present

CT: Section 211 of the CPC explained to accused person in Kiswahili. The 3 options available to the defence and the charges herei have been explained to accused in Kiswahili.

Accused in Kiswahili: I shall remain silent and await the decision of the Court.

CT: Judgment on

