



**Republic v Kaburu (Criminal Case E019 of 2023)
[2025] KEHC 17033 (KLR) (20 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17033 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL CASE E019 OF 2023
DKN MAGARE, J
NOVEMBER 20, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

KELVIN MWANGI KABURU ACCUSED

RULING

1. The Accused was charged with murder contrary to section 203 as read with 204 of the Penal Code.
2. The particulars of the offence were that Kelvin Mwangi Kaburu on 8.12.2014 at Giakaibe Shopping Centre within Mathira East Subcounty in Nyeri County murdered James Weru Kamwenji.
3. The Accused person took plea and denied the charge. The plea of not guilty was recorded.
4. The hearing commenced and the Prosecution called a total of 6 witnesses. Their evidence was recorded and exhibits produced.
5. I have perused the Court file, and exhibits, where the 6 witnesses testified. I have also perused the submissions filed by the Accused person dated 30.10.2025 in opposition to a finding on the prima facie case. As articulated by Sir Newham Worley P. in the case of Ramanlal T. Bhatt Vs. R.(1957) E.A. 332

“... the court is not required at this stage to decide finally whether the evidence is worthy of credit, or whether if believed it is weighty enough to prove the case conclusively: that final determination can only properly be made when the case for the defence has been heard. 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.”



6. Consequently, I am satisfied that the prosecution has established a prima facie evidence to enable the Court to call the Accused to defend himself. I consider the evidence on record sufficient to call upon the Accused to defend himself. I therefore find that the Accused have a case to answer. I put the Accused person on his defence in accordance with Section 306 of the Criminal Procedure Code.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT NYERI ON THIS 20TH DAY OF NOVEMBER, 2025.

KIZITO MAGARE

JUDGE

In the presence of: -

Mr. Kimani for the Prosecution.

Mr. Mbau for the Accused person.

Accused present

Court Assistant – Michael

