



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NUMBER E026 OF 2022

REPUBLIC

ODPP

VERSUS

ISAAC LEKACHUMA

ACCUSED

RULING

1. The accused is charged with **Murder Contary to Section 203 as read with Section 204 of the Penal Code.** The particulars of the information relating to the charge state that on 2nd October 2017 at Salgaa area , Rongai Sub-County, within Nakuru County he murdered Emmanuel Makhoka. The accused entered plea of “Not Guilty” to the offence.
2. I have perused the evidence adduced by 10 witnesses the prosecution called. The defence chose not to offer Submissons “on no case to answer”.

3. At this stage, the prosecution is required to make out a *prima facie* case warranting putting of the accused on his defence. In the famous case of **Ramanlal T. Bhatt vs Republic**, a *prima facie* case was defined as one in which the court could convict if no defence is offered by the accused. That is not to say, however, that the court will be prepared to convict in every case where the accused fails to give defence. The decision of the court depends on the facts and circumstances of each case while taking into account that the accused has the constitutional right to remain silent.
4. Having been so guided, I note that the prosecution evidence against the Accused is that a gun assigned to him was found to have been used to kill the Deceased. According to PW 5 who is a Pathologist, his Post-mortem examination of the deceased's body showed injuries consistent with a gun shot at close range.
5. Without delving into further details at this stage, I find that the prosecution has made out a *prima facie* case and the Accused is hereby put on his defence. It is established Judicial practice that no detailed reasons ought to be given for such decision so

that an impression is not created that the court has already made up its mind before hearing the defence case.

6. Ruling accordingly.

J. M. NANG'EA, JUDGE.

Ruling delivered virtually this 18th day of November, 2025 in the presence of:

The Prosecution Counsel, Mr Wakasyaka

The Defence Counsel, Mr Matoke H.

Accused, present

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.