



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NUMBER E031 OF 2022

REPUBLIC

ODPP

VERSUS

WAMAITHA JOSHUA NJIHIA.....

ACCUSED

RULING

1. The accused is charged with **Murder Contrary to Section 203 as read with Section 204 of the Penal Code.** The particulars of the information relating to the charge state that on the night of 16th and 17th May 2022 at Kiptangwanyi Trading Centre, Gilgil Subcounty, within Nakuru County, he murdered Mary Waithira Maina. The accused entered plea of “Not Guilty” to the offence.

2. I have perused the evidence adduced by 9 witnesses the prosecution called and note that the defence did not offer submissions “on no case to answer”. At this stage, the prosecution is required to make out a *prima facie* case warranting putting of the accused on his defence or else the accused be acquitted pursuant to the provisions of **section 210 of the Criminal Procedure Code.**
3. 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. 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 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.

5. Ruling accordingly.

J. M. NANG'EA, JUDGE.

Ruling virtually delivered this 17th day of February, 2026 in the presence of:

The Prosecution Counsel, Mr Wakasyaka.

The Defence Counsel, Ms Chepng'etich.

Accused, present.

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

ORIGINAL