Njue v Republic (Criminal Case E008 of 2023)
[2026] KEHC 2469 (KLR) (26 February 2026) (Ruling)

Neutral citation: [2026] KEHC 2469 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT CHUKA

CRIMINAL CASE E008 OF 2023

RL KORIR, J

FEBRUARY 26, 2026

BETWEEN

ARNOLD MUCHIRI NJUE ..... APPLICANT

AND

REPUBLIC ..... RESPONDENT

RULING

1. Arnold Muchiri Njue (Accused) was charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence were that on 13th day of March, 2023 at Cheera Market, in Meru South Sub-County within Tharaka Nithi County unlawfully murdered Richard Muriuki Elias.

2. The Accused was arraigned on 31st March 2023 before Gitari J. He denied the charge and the case proceeded to trial in which the Prosecution called 10 witnesses to advance its case which closed on 23rd October 2025. The court directed the parties to submit on case to answer.

3. In submissions dated 17th November 2025, the Prosecution stated that it had provided evidence to prove the ingredients of the offence and urged that there was no justifiable cause for the deceased's death.

4. I have carefully considered the Prosecution evidence and submissions on record. At this stage of the proceedings, I am not expected to make definitive findings. It is sufficient to make a finding whether or not the Prosecution evidence establishes a prima facie case against the Accused.

5. I am persuaded by the case of Republic v Robert Zippor Nzilu (2020) eKLR, where Odunga J. (as he then was) held that: -

> " That there is a danger in making definitive findings at this stage, especially where the Court finds that there is a case to answer is not farfetched and the reasons for not doing so are

obvious. As was appreciated by Trevelyan and Chesoni, JJ in Festo Wandera Mukando v. The Republic(1980) KLR 103:

"we once more draw attention to the inadvisability of giving reasons for holding that an accused has a case to answer. It can prove embarrassing to the court and, in an extreme case, may require an appellate court to set aside an otherwise sound judgement. Where a submission of "no case "is rejected, the court should say no more than that it is. It is otherwise where the submission is upheld when reasons should be given"; for then that is the end to the case or the count or counts concerned."

6. I am further guided by the Court of Appeal in Anthony Njue Njeru v Republic (2006) eKLR where the court held that:-

> " .....We wish to point out here that it is undesirable to give a reasoned ruling at the close of the prosecution case as the learned Judge did here unless the Court concerned is acquitting the accused person."

7. My evaluation of the evidence on record leads me to the finding that the Prosecution has established a prima facie case against the Accused. It is my further finding that the Accused has a case to answer. He shall mount his defence in accordance with section 306 of the Criminal Procedure Code.

Orders accordingly.

RULING DELIVERED, DATED AND SIGNED AT CHUKA THIS 26TH DAY OF FEBRUARY, 2026.

.....

R. LAGAT - KORIR

JUDGE

Ruling delivered in the presence of the Accused, Ms Musyimi holding brief for Ms David for the Accused, Ms Rukunga for the Republic; Muriuki (Court Assistant)