



**Republic v Bosire (Criminal Case E024 of 2022)  
[2026] KEHC 4428 (KLR) (5 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4428 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL CASE E024 OF 2022**

**TW CHERERE, J**

**MARCH 5, 2026**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**WYCLIFFE KABAKA BOSIRE ..... ACCUSED**

**RULING**

1. The accused stands charged with the offence of murder contrary to section 203 as read together with section 204 of the Penal Code, the allegation being that on 6th November 2022 at Miruka Market, Miruka Sub-location, West Mugirango Location in Nyamira South Sub-County within Nyamira County, he caused the death of Job Onderi.
2. The prosecution has now closed its case. What falls for determination at this stage is whether the evidence adduced discloses a case sufficient to require the accused to make his defence.
3. The guiding principle is found in *Bhatt v Republic* [1957] EA 332, where it was stated that at the close of the prosecution case the court must consider whether there is evidence upon which a reasonable tribunal, properly directing itself, could convict if the accused elected to remain silent. The court is not required at this juncture to make final findings on credibility or to weigh the evidence conclusively.
4. The evidence on record establishes the fact of death and the medical cause thereof, namely blunt head injury. There is also testimony placing the accused at the scene and alleging his participation in an assault upon the deceased shortly before the deceased was taken to hospital and subsequently pronounced dead.
5. Without engaging in a detailed evaluation of credibility or resolving apparent inconsistencies, and bearing in mind the threshold articulated in *Bhatt* (supra), I am satisfied that the prosecution has placed before the Court evidence which, if left unanswered, could sustain a conviction.



6. I therefore find that a prima facie case has been established against the accused. He is accordingly placed on his defence pursuant to section 306(2) of the Criminal Procedure Code.
7. Defence Hearing on 14<sup>th</sup> April 2026

**DELIVERED AT NYAMIRA THIS 05<sup>TH</sup> DAY OF MARCH 2026.**

**WAMAE.T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Anita

Accused - Present in person

For Appellant - Mr. Nyamwange for C.O.Nyamwange & Co. Advocates

For the DPP - Mr. Chirchir (SADPP)

