



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Republic v Njue & 4 others (Criminal Case 13 of 2019)
[2026] KEHC 6127 (KLR) (6 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 6127 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT EMBU
CRIMINAL CASE 13 OF 2019
RM MWONGO, J
MAY 6, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

HENRY KIBUTI NJUE 1ST ACCUSED

KELVIN WACHIRA NYAGA 2ND ACCUSED

KENEDY MUTUGI NYAGA 3RD ACCUSED

PAUL MACHARIA KARIUKI 4TH ACCUSED

BRIAN MURITHI MATHAGU 5TH ACCUSED

RULING

1. Following the conclusion of the prosecution case and upon receiving written submissions from the prosecution and defence, this court has to determine whether the material availed by the prosecution is sufficient to require the accused persons to be placed on their defence to meet a prima facie case.
2. Upon considering all the material availed by the prosecution and submissions and representations of the parties, the court finds in terms of Section 306 of the CPC, that all the accused persons have a case to answer; the state having established a prima facie case against them by the evidence adduced.
3. Accordingly, the accused persons shall be informed in terms of Section 306 (2) that each of them have a right to remain silent, or to address the court either personally or through counsel and to give evidence on his own behalf or to make an unsworn statement, or a sworn statement in each case with or without witnesses.
4. Counsel shall advise the court on how the accused persons wish to proceed and to make their defence.
5. Orders accordingly.



DELIVERED, DATED AND SIGNED AT EMBU HIGH COURT THIS 6TH DAY OF MAY, 2026.

R. MWONGO

JUDGE

Delivered in the presence of:

All Accused persons present in Court

Momanyi for 4th and 5th Accused,

Momanyi holding brief for Andande for 1st Accused and E. Njiru for 2-3rd Accused

Ms. Mwaniki for the State

Francis Munyao – Court Assistant

