



Republic v Lukhale (Criminal Case 15 of 2023) [2025] KEHC 7197 (KLR) (27 May 2025) (Ruling)

Neutral citation: [2025] KEHC 7197 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
CRIMINAL CASE 15 OF 2023**

JN KAMAU, J

MAY 27, 2025

BETWEEN

REPUBLIC PROSECUTOR

AND

ISAAC WAFULA LUKHALE ACCUSED

RULING

1. This matter was partly heard by Njagi and P.J Otieno JJ. On 30th November 2017, Peter Makatiani Wafula, who the 2nd Accused person in this matter was discharged under Section 82 of the Criminal Procedure Code Cap 75 (Laws of Kenya) before taking of plea.
2. This court became seized of the matter on 2nd November 2023. The parties asked it to proceed from where the same had reached.
3. On 31st January 2025, the Prosecution closed its case after calling a total of eight (8) Prosecution witnesses.
4. The Prosecution did not to file Written Submissions on the question of whether or not the 1st Accused person had a case to answer. It relied on the evidence that had been adduced by its witnesses.
5. On the other hand, the 1st Accused person's Written Submissions were dated 26th February 2025. They did not bear a court stamp. However, in view of the fact that documents were being filed through the e-filing platform, this court admitted the same as there was a likelihood that the Registry may have omitted to stamp the same.
6. Having carefully considered the evidence by the Prosecution witnesses and the 1st Accused person's submissions, the court was of the opinion that a prima facie case had been established against the 1st Accused person herein to warrant him being put on his defence. He is hereby put on his defence.
7. It is so ordered.



DATED AND DELIVERED AT VIHIGA THIS 27TH DAY OF MAY 2025

J. KAMAU

JUDGE

