



**Republic v Njogu (Criminal Case E014 of 2022)
[2025] KEHC 9201 (KLR) (24 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9201 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CRIMINAL CASE E014 OF 2022
LN MUTENDE, J
JUNE 24, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DICKSON MBUTHIA NJOGU ACCUSED

RULING

1. Dickson Mbuthia Njogu, the Accused, was arraigned for the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#), the victim being Susan Wanjiru Ronge (deceased).
2. At the close of the prosecution’s case, the State/Prosecution that bears the burden of proving the allegations in support of the case was required to adduce sufficient evidence that would make the court find in their favour even if contrary evidence is not adduced.
3. Section 306(2) of the [Criminal Procedure Code](#) provides that;

When the evidence of the witnesses for the prosecution has been concluded, the court, if it considers that there is evidence that the accused person or any one or more of several accused persons committed the offence, shall inform each such accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself; and upon being informed thereof, the judge shall record the fact.



4. It therefore behoves the prosecution to establish a *prima facie* case against the Accused. In *Bhatt v Republic* [1957] EA 332 the East African Court stated that;

“Prima facie case was defined as one on which a reasonable tribunal properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence. At this stage, the court is not required to decide finally whether the evidence is worthy of credit or whether, if believed, it is weighty enough to prove the case conclusively,-that final determination can only properly be made when the case for the defence has been heard.....”
5. This is a case where PW1 JNW testified to have seen the Accused enter the house with Mutahi who gave him the knife that he used to stab the deceased and also threatened her with it. Her evidence was corroborated by that of PW2 Susan Wanjira Wanjiru who saw the accused who entered the house with Mutahi when their grandmother opened the door, although she did not witness the actual act of stabbing as she ran to hide in the bedroom.
6. Similarly, PW3 Nyambura Gertrude Wanjira who was in the house said that the deceased opened the door upon Mutahi saying that he was with the Accused their cousin. And she witnessed when Mutahi gave the accused the knife but she ran to hide in the bedroom, hence did not witness the actual act of stabbing of the deceased.
7. PW5 Gideon Chege and PW11 Moses Gitonga on hearing screams made their way to the home of the deceased and enroute he found people subjecting the Accused to mob justice but he was saved by the police amongst them PW3 No. [particulars withheld] Corporal Charles Waiganjo.
8. PW8 Dr. Titus Ngulungu a Pathologist who conducted the autopsy confirmed the death of the deceased.
9. Evidence as to the actus reus and mens rea adduced is beyond mere suspicion which justifies the Accused being called upon to defend himself in accordance with Section 306 of the [Criminal Procedure Code](#).
10. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 24TH DAY OF JUNE, 2025.

L.N. MUTENDE

JUDGE

