



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Chirchir (Criminal Case E031 of 2021)
[2025] KEHC 11653 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11653 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE E031 OF 2021**

**JM NANG'EA, J
JULY 31, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

PAUL KIPKEMOI CHIRCHIR ACCUSED

RULING

1. The accused is charged with Murder Contary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence state that on 24th June 2021 at around 12.30 pm., in Kuresoi North Sub County, Nakuru County, he murdered Justus Muinde Metho. The accused entered plea of “Not Guilty”.
2. I have perused the evidence adduced by 9 witnesses the prosecution called and the defence Submissions “on no case to answer” together with the Prosecution’s reply.. At this stage, the prosecution is required to make out a *prima facie case* warranting putting of the accused on his defence. In the famous case of *Ramanlal T. Bhatt vs Republic*, a *prima facie case* was defined as one in which the court could convict if no defence is offered by the accused. That is not to say, however, that the court will be prepared to convit in every case where the accused fails to give defence. The decision of the court depends on the facts and circumstances of each case while taking into account that the accused has the constitutional right to remain silent.
3. Without delving into further details at this stage, I find that the prosecution has made out a *prima facie case* and the accused is hereby put on his defence. It is established judicial practice that no reasons ought to be given for such decision so that an impression is not created that the court has already made up its mind before hearing the defence case.
4. Ruling accordingly.

RULING DELIVERED THIS 31ST DAY OF JULY , 2025 IN THE PRESENCE OF:



J. M. NANG'EA

JUDGE.

The Prosecution Counsel, Mr Wakasyaka

The Defence Counsel, Ms Ngugi

Mr. Farah Advocate for the Deceased's family

Accused, present

The Court Assistant, Jeniffer.

