



**Director of Public Prosecutions v Michubu (Criminal Case
72 of 2017) [2024] KEHC 2252 (KLR) (29 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 2252 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 72 OF 2017
TW CHERERE, J
FEBRUARY 29, 2024**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTIONS PROSECUTOR

AND

JULIUS MICHUBU ACCUSED

RULING

1. Julius Michubu (Accused) is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code* in that he murdered one Murungi M’Kirari on 09th September, 2013 at Ndumuru village in Baiborio sub-location in Igembe North Sub County within Meru County.
2. The accused has denied committing the offence of Murder as charged and the prosecution has called a total of three witnesses and closed its case on 20th February, 2024.
3. This court is therefore called upon to determine whether, at this stage, based on the evidence adduced by the three prosecution witnesses, the prosecution has established a *prima facie* case to warrant the accused person to be placed on his defence to answer to the charge of Murder.
4. In *Ramanlal Trambaklal Bhatt v R* [1957] E.A 332 at 335, the court stated as follows:

“.....It may not be easy to define what is meant by a, “*prima facie* case”, but at least it must mean one on which a reasonable, properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence”.
5. Having considered the testimonies of the three prosecution witnesses, I am satisfied that a *prima facie* case has been established against to warrant Accused to be placed on his defence. I therefore find that the accused herein Julius Michubu has a case to answer and is therefore placed on his defence.



6. The provisions of Section 306(2) of the *Criminal Procedure Code* and Article 50(2)(i)(j)(k) of the *Constitution* are hereby explained to the accused person in the presence of his advocate Ms. Gumato.

DELIVERED AT MERU THIS 29th DAY OF FEBRUARY 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

Accused - Present

For the Accused - Ms. Gumato Advocate

For the State - Ms. Rita Rotich (PC 1)

