



**Director of Public Prosecutions v Mutwerandu (Criminal Case
65 of 2018) [2024] KEHC 2250 (KLR) (29 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 2250 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 65 OF 2018
TW CHERERE, J
FEBRUARY 29, 2024**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTIONS PROSECUTION

AND

JULIUS KIAMBI MUTWERANDU ACCUSED

RULING

1. Julius Kiambi Mutwerandu (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 Antony Gitonga on 14th May, 2018 in Nkombe village, Chre Location, Imenti South Sub County within Meru County.
2. Accused has denied committing the offence of Murder as charged and the prosecution has called a total of four 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 four prosecution witnesses, the prosecution has established a prima facie case to warrant the accused person to be placed on his defence.
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 four 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 Kiambi Mutwerandu 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 Mrs. Ntarangwi.

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. Athieno Advocate

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

