



**Republic v Sigilai (Criminal Case 7 of 2020)
[2024] KEHC 2787 (KLR) (29 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 2787 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
CRIMINAL CASE 7 OF 2020
RL KORIR, J
FEBRUARY 29, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

PETER KIPRONO SIGILAI ACCUSED

RULING

1. Peter Kiprono Sigilai (Accused) is charged with the offence of murder contrary to section 203 as read with Section 204 of the *Penal Code*. The particulars of the offence are that on the 27th Day of March 2020 at Kapkimolwa, Keneni Village within Bomet East Sub-County murdered Kenneth Kiprotich Kosgei.
2. The Accused took plea on 3rd November 2020 and denied the charge and the case went to full trial in which the prosecution presented four witnesses. PW1 testified that he was in the company of the Accused as they moved from house to house looking for local brew and that they ended up in the house of one Sally where the deceased was hit. PW2 told the court that the Accused and the deceased fought in her house. PW3 was the Investigating Officer who testified on the arrest of the Accused and her role in the investigation. PW4 was the pathologist who testified on behalf of his professional colleague who conducted the post-mortem on the deceased. He testified that the cause of death was severe haemorrhage secondary to multiple stab wounds.
3. At the close of the Prosecution case, the prosecution filed written submissions dated 1st December 2023 on Case/No Case to answer. It analyzed the evidence and submitted that it had proved the ingredients of the offence. The defence on the other hand did not file any submissions despite having indicated its desire to submit.
4. At this stage of the proceedings, the court is not required to give a detailed analysis of the evidence unless the Accused merited an acquittal. All that the court was required to do was to assess the evidence



and arrive at the decision whether or not the prosecution had established a prima facie case against the Accused to warrant him being called upon to make a defence.

5. In the case of *Ronald Nyaga Kiura Vs. Republic* (2018) eKLR, Limo J. held: -

“It is important to note that at the close of prosecution, what is required in law at this stage is for the trial court to satisfy itself that a prima facie has been made out against the accused person sufficient enough to put him on his defence pursuant to the provisions of Section 211 of the Criminal Procedure Code. A prima facie case is established where the evidence tendered by the prosecution is sufficient on its own for a court to return a guilty verdict if no other explanation in rebuttal is offered by an accused person. This is well illustrated in the cited Court of Appeal case of Ramanlal Bhat -vs- Republic [1957] EA 332. At that stage of the proceedings the trial court does not concern itself to the standard of proof required to convict which is normally beyond reasonable doubt. The weight of the evidence however must be such that it is sufficient for the trial court to place the accused to his defence.”

6. Further in *Martin Makhakha Vs Republic* (2019) eKLR the Court of Appeal held that:-

“The basis of putting an accused on his defence is founded on the prosecution establishing a prima facie case. The standard of proof as to whether the prosecution has established a prima facie case has been laid down in the case of Ramanlal Trambaklal Bhatt -Vs- Republic (1957) E.A. 332 and stated with approval by this Court in the case of Anthony Njue Njeru v Republic [2006] eKLR Criminal Appeal 77 of 2006 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 tribunal, properly directing its mind to the law and the evidence could convict if no explanation is offered by the defence.”

7. I have carefully considered the evidence on record. From my analysis, it is my finding that the Prosecution has established a prima facie case against the Accused. He is accordingly called upon to make his defence in accordance with Section 306 of the Criminal Procedure Code.

8. Orders accordingly.

RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 29TH DAY OF FEBRUARY, 2024

.....

R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of the Accused, Ms. Boiyon for the State, Mr. Merebu for the Accused, and Siele (Court Assistant)

