



**Republic v Asitiba (Criminal Case 6 of 2022)  
[2024] KEHC 2028 (KLR) (28 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 2028 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VIHIGA  
CRIMINAL CASE 6 OF 2022  
JN KAMAU, J  
FEBRUARY 28, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**JOSEPH OMWANGA ASITIBA ALIAS SIDI ..... ACCUSED**

**RULING**

1. On 26<sup>th</sup> October 2023, the Prosecution closed its case after calling a total of six (6) Prosecution witnesses.
2. The Accused person did not file any Written Submissions on the question of whether or not he had a case to answer. The Prosecution’s Written Submissions were dated and filed on 15<sup>th</sup> December 2023. It reproduced the evidence that was tendered during trial and submitted that it had established prima facie case against the Accused person.
3. Having carefully considered the evidence of the said Prosecution witnesses and the Written Submissions by the Prosecution, the court was of the opinion that a prima facie case had been established against the Accused person herein to warrant him being put on his Defence. He is hereby put on his defence.
4. It is so ordered.

**DATED AND DELIVERED AT VIHIGA THIS 28<sup>TH</sup> DAY OF FEBRUARY 2024**

**J. KAMAU  
JUDGE**

