



**Republic v Kimathi alias Feisal (C) (Criminal Case 49 of 2017)  
[2024] KEHC 3707 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3707 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE 49 OF 2017  
EM MURIITHI, J  
MARCH 20, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**FRANCIS KIMATHI ALIAS FEISAL (C) ..... ACCUSED**

**RULING**

1. Upon hearing the prosecution’s 8 witnesses and considering the evidence against the ingredients of C/ S 203 as read with 204 of the Penal Code, the court finds that here is *prima facie* evidence within the meaning of *Bhatt v R* [1957] EA 332 to warrant the placing of the accused on his defence in accordance to Section 306 (2) of the Criminal Procedure Code.
2. Accordingly, the Accused shall be informed of his rights under Section 306 (2) of CPC and his defence shall be taken on a date to be fixed in consultation with his counsel.

**DATED AND DELIVERED THIS 20<sup>TH</sup> DAY OF MARCH 2024.**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearances:**

M/S. Muna Advocates for the Accused.

Mr. Masila for DPP.

