



**Republic v Nyongesa (Criminal Case E020 of 2022)
[2024] KEHC 2867 (KLR) (19 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2867 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL CASE E020 OF 2022**

**DK KEMEI, J
MARCH 19, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

EVANS MUKHWANA NYONGESA ACCUSED

RULING

- I have carefully considered the evidence presented at this stage of the proceedings and find that a *prima facie* case has been made out by the prosecution to require the accused to make a defence. The evidence so far if considered in the absence of any other evidence to the contrary is sufficient to sustain a conviction against the accused herein where they elect to remain silent in defence. The evidence tendered has placed the accused at the scene of crime and he must now offer an explanation as to how the deceased met her death. The accused therefore has a case to answer and is now called upon to elect to conduct his defence in accordance with Section 306 (2) of the [Criminal Procedure Code](#).

RULING DATED, AND DELIVERED AT BUNGOMA OPEN COURT ON THIS 19TH DAY OF MARCH, 2024.

D K KEMEI,

JUDGE

19.3.2024

In the presence of:-

Evans Mukhwana Nyongesa for Accused

Onkangi For Accused

Miss Kibet for Prosecution



