



**Republic v Chesoli (Criminal Case 11 of 2020)
[2024] KEHC 4211 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4211 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CRIMINAL CASE 11 OF 2020
GL NZIOKA, J
APRIL 30, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

BENNARD KAKAI CHESOLI ACCUSED

RULING

1. On the 28th May 2020, the accused was arraigned before the court charged with the offence of murder contrary to section 203 as read together with section 204 of the [Penal Code](#).
2. The accused pleaded not guilty to the charge. The case proceeded to hearing wherein the prosecution has called a total of nine (9) witnesses. The prosecution then closed its case. The defence requested to and was allowed to offer submissions at the close of the prosecution case, which they did.
3. I have considered the prosecution case, in particular the evidence advanced. I have also considered the submission by the defence. What comes out from the submission by the defence is a defence of self defence. Unfortunately, a defence to a charge cannot be canvassed vide submissions for the simple reason the opposite party will not have an opportunity to test its veracity and two, submission are basically discussions on salient issues the court needs to consider while rendering a decision and in normal practice comes at the end of trial or intermediary where a ruling has to be made.
4. Be that as it were, I find that, based on the evidence adduced, the accused needs to offer a defence to the charges. As a result I rule that he has a case to answer and I require him to indicate to the court as required under section 306 of the Criminal Procedure Code, how he will offer his defence.
5. That then is the order of the court

Dated, delivered and signed on this 30th day of April, 2024

GRACE L. NZIOKA



JUDGE

In the presence of:-

Mr. Machage for the accused

Mr. Abwajo for the state

Accused present virtually

Ms. Ogutu: Court Assistant

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