



**Director of Public Prosecutions v Gikundi (Criminal Case  
E027 of 2023) [2024] KEHC 5525 (KLR) (25 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 5525 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE E027 OF 2023  
TW CHERERE, J  
APRIL 25, 2024**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... PROSECUTOR**

**AND**

**DENNIS MUGENDI GIKUNDI ..... ACCUSED**

**RULING**

1. Dennis Mugendi Gikundi (Accused) is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) in that together with others not before the court murdered one Samuel Kaberia Daudi on 01<sup>st</sup> February, 2023.
2. Accused denied committing the offence of and the prosecution managed to call five witness.
3. This court is therefore called upon to determine whether, whether a prima facie case has been established to warrant the accused person to be placed on her defence to answer to the charge of Murder.
4. It should be remembered that the legal onus is always on the Prosecution to prove its case beyond reasonable doubt, we cannot agree that a prima facie case is made out if, at the close of the prosecution's case, the case is merely one in which on full consideration might possible be thought sufficient to sustain a conviction. (See In *Ramanlal Trambaklal Bhatt v R* [1957] E.A 332 at 335).
5. Having considered the testimonies of the five prosecution witnesses, I am satisfied that a prima facie case has been established to warrant Accused to be placed on his defence.
6. The provisions of Section 306(2) of the [Criminal Procedure Code](#) and Article 50(2)(i)(j)(k) of the [Constitution](#) are hereby explained to the accused person in the presence of his advocate Ms. Gachohi

**DELIVERED AT MERU THIS 25<sup>TH</sup> DAY OF APRIL 2024**



**WAMAE. T. W. CHERERE**

**JUDGE**

**Appearances**

Court Assistants - Kinoti/Munene

Accused - Present

For the Accused - Ms. Gachohi Advocate

For the State - Ms. Rita Rotich (PC 1)

