



**Director of Public Prosecutions v M’Muriki (Criminal Case  
E024 of 2022) [2024] KEHC 5523 (KLR) (25 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 5523 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE E024 OF 2022  
TW CHERERE, J  
APRIL 25, 2024**

**BETWEEN**

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

**AND**

**CHARLES NG’ENTU M’MURIKI ..... ACCUSED**

**RULING**

1. Charles Ng’entu M’Muriki (Accused) is charged with the offence of Murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) in that he murdered one Stanley Kimami on 29h April, 2022.
2. Accused denied committing the offence of and the prosecution called a total of seven witness in support of its case.
3. 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] EA 332 at 335).
4. Having considered the testimonies of the seven prosecution witnesses, I am satisfied that a prima facie case has been established to warrant Accused to be placed on his defence.
5. 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 Mr. Ng’entu

**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 - Mr. Ng'entu Advocate

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

