Case Number:	Criminal Case 8 of 2018
Date Delivered:	28 Apr 2022
Case Class:	Criminal
Court:	High Court at Bomet
Case Action:	Ruling
Judge:	Roseline Lagat-Korir
Citation:	Republic v Weldon Kipyegon Langat [2022] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Bomet
Docket Number:	-
History Docket Number:	-
Case Outcome:	Accused person put on his defence
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BOMET

CRIMINAL CASE NUMBER 8 OF 2018

REPUBLIC ..... PROSECUTOR

VERSUS

WELDON KIPYEGON LANGAT.....ACCUSED

RULING

1. The Accused was charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the charge were that on the 9th day of June, 2018 at Emitiot Sub-Location, Cheboin Location within Bomet County, murdered one Wesley Kiprono Langat.

2. He pleaded not guilty to the charge, and the trial proceeded before Muya J, who heard prosecution witnesses. I took over the case and heard only one witness, the investigating officer.

3. At this stage of the proceedings all that the court is required to do is to consider whether a *prima facie* case has been established by the prosecution. In doing this, the court must consider the evidence against the elements of the offence which are: -

(i) The death of the deceased occurred;

(ii) That the accused committed the unlawful act which caused the death of the deceased; and

(iii) That the accused had malice aforethought.

4. Further the court is not required, if it is going to put the accused on his defence, to give a detailed analysis of the evidence. I agree with the reasoning of Odunga J, in the case of **Republic V Robert Zippor Nzilu (2020) eKLR,** where he explained that: -

"That there is a danger in making definitive findings at this stage, especially where the Court finds that there is a case to answer is not farfetched and the reasons for not doing so are obvious. As was appreciated by Trevelyan and Chesoni, JJ in Festo Wandera Mukando VS. The Republic (1980) KLR 103:

"we once more draw attention to the inadvisability of giving reasons for holding that an accused has a case to answer. It can prove embarrassing to the court and, in an extreme case, may require an appellate court to set aside an otherwise sound judgement. Where a submission of "no case" is rejected, the court should say no more than that it is. It is otherwise where the submission is upheld when reasons should be given; for then that is the end to the case or the count or counts concerned."

5. I have considered the evidence before me and the Prosecution's submissions dated 10th March,2022. I am satisfied, without delving further into the evidence, that the prosecution has established a *prima facie* case against the Accused.

6. It is my finding that the accused person has a case to answer. He is called upon to elect the mode of his defence in accordance with **Section 306 of the Criminal Procedure Code.**

Orders accordingly.

Ruling delivered, dated and signed at Bomet this 28th day of April, 2022.

.....

R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of Mr. Kipngetich for the Accused, Ms. Boyon holding brief for Mr Muriithi for the state and Kiprotich (Court Assistant).