

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 8 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

THOMAS KISAKA.....ACCUSED

RULING

Thomas Kisaka, the accused, is charged with murder contrary to section 203 as read with section 204 of the Penal Code. It is alleged that on 8th December 2012 at Kawangware in Dagoretti District within Nairobi County jointly with others not before the court he murdered Paul Talusi Mugoya.

The prosecution has come to the close of its case after eight (8) witnesses. The court is required to examine and analyze the evidence of these witnesses and determine whether a prima facie case has been made out against the accused as to require him to defend himself.

I have analyzed all the evidence of the prosecution witnesses and my considered view is that there is sufficient evidence to enable me make a finding that the accused person has a case to answer. I will and do hereby put him on his defence. He is hereby informed of his right under section 306 (2) Criminal Procedure Code to address this court either in person or through his advocate on how he wishes to defend himself either by taking oath or without taking oath. He is also informed of his right to inform the court whether he wishes to call any witnesses in his defence. It is so ordered.

Dated, signed and delivered this 21st day of May 2015.

S. N. Mutuku

Judge