



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**CRIMINAL CASE 107 OF 2008**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**JOSEPH MARIGA MARUGA .....ACCUSED**

**RULING**

I have now had the benefit of reviewing the evidence of the nine (9) witnesses led by the prosecution. I am satisfied that the prosecution has established a *prima facie* case against the accused, and I accordingly put the accused to his defence.

I remind the accused both of his constitutional and statutory right -

- (a) to give evidence on oath and be cross-examined, and to call witnesses on his his defence,
- (b) to give an un sworn statement and escape cross-examination.
- (c) to remain silent.

I call upon counsel for the accused to state now or later which of these options the accused proposes to take in answer to the charge or murder against him.

It is so ordered.

**Dated, signed and delivered at Nakuru this 18th day of December, 2013**

**M. J. ANYARA EMUKULE**

**JUDGE**