

REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAKURU

Criminal Case 83 of 2007

**REPUBLIC.....PROSECUTOR
VERSUS**

JULIUS LESHO TENGESI.....1ST ACCUSED

GEORGE KIMANI KINOTI.....2ND ACCUSED

RULING

I have now had opportunity to review the prosecution's evidence. I am satisfied that the prosecution has established a prima facie against both accused to the offence of murder contrary to Section 203 of the Penal Code, (*Cap. 63, Laws of Kenya*).

In exercise of the powers conferred upon this court by virtue of the provisions of Section 306(2) of the Criminal Procedure Code (*Cap. 75, Laws of Kenya*), I put each of the accused to his defence and remind each of them of his constitutional and statutory rights -

- (a) *to give evidence on oath, and be thereby be subject to cross examination by the prosecution;*
- (b) *to give an unsworn statement, and thereby be not subject to cross-examination; or*
- (c) *to remain silent.*

Each of the accused will indicate which of these three rights he will exercise through submission of his counsel upon the hearing of the defence case.

It is so ordered.

Dated and delivered at Nakuru this 18th day of May, 2012

**M. J. ANYARA EMUKULE
JUDGE**