

REPUBLIC OF KENYA

High Court at Nakuru

Criminal Case 74 of 2009

REPUBLIC.....PROSECUTOR

VERSUS

PETER KINUTHIA WAWERU.....ACCUSED

RULING

Though the Investigating Officer did not testify and never attended court in this matter, I am satisfied after perusing the evidence tendered by the prosecution witnesses who have testified, that the prosecution has established a prima facie case against the Accused in this case.

In the circumstances therefore and in accordance with Section 306(2) of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*), I put the accused to his defence and remind him of his constitutional and statutory rights -

- (a) to give evidence on oath and to call witnesses to testify on his defence. The accused will be liable to cross-examination on his evidence on oath,
- (b) to give an unsworn statement and not be liable to cross-examination, or
- (c) to remain silent.

The accused will indicate through his Advocate on record, which of these rights he elects to exercise.

It is so ordered.

Dated, signed and delivered at Nakuru this 30th day of November, 2012

M. J. ANYARA EMUKULE

JUDGE