

REPUBLIC OF KENYA

High Court at Nakuru

Criminal Case 25 of 2010

REPUBLIC.....PROSECUTOR

VERSUS

RICHARD KABUE GATHURI.....ACCUSED

RULING

I have now had the benefit of perusing the court record, comprising the evidence of the prosecution witnesses and the exhibits produced as part of this evidence. I am satisfied that the prosecution has established a prima facie case in terms of Section 306(2) of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*). I accordingly remind the accused of his constitutional and statutory rights -

- (a) to give evidence on oath and be subjected to cross-examination and to call witnesses,
- (b) to give an unsworn statement and not be subjected to cross- examination,
- (c) to remain silent.

The accused will express which of these rights he will exercise at time of the defence hearing.

It is so ordered.

Dated, signed and delivered at Nakuru this 23rd day of November, 2012

M. J. ANYARA EMUKULE

JUDGE