



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL CASE NO. 52 OF 2005**

**REPUBLIC.....PROSECUTOR**

**-VERSUS-**

**JOSEPH OMWONO OMBOKI .....ACCUSED**

**RULING**

Having considered the evidence on record so far adduced by the prosecution, I am satisfied that a prima facie case has been established to warrant the accused being called upon to defend himself. He can do so by either giving a sworn or unsworn statement or elect to keep quite. In the event that he elects to give a sworn statement, he will be subjected to cross-examination by the state counsel. However that will not be the case in the event that he elects to give unsworn statement or keep quite. However in all the above scenarios, the accused is entitled to call witnesses if he so wishes.

**Ruling dated, signed and delivered** at Kisii this 8<sup>th</sup> day of April, 2011.

**ASIKE-MAKHANDIA**

**JUDGE**