

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO. 11 OF 2009

REPUBLIC.....PROSECUTOR

-VERSUS-

DANCAN OTIENO ODHIAMBO.....ACCUSED

RULING

I have carefully read and considered the evidence so far adduced by the prosecution and I am satisfied that it is sufficient to call upon the accused to defend himself. Accordingly, it is my ruling that the prosecution have prima facie, established a case against the accused to warrant him being placed on his defence and I so rule. Pursuant to section 306 (2) of the **Criminal Procedure Code**, I will now invite the accused to indicate to me how he intends to defend himself. He is reminded nonetheless that he can do so by giving a sworn statement, unsworn statement or even elect to keep quite. In the event that he elects to give sworn statement, he will be liable to cross-examination by the prosecution. However if he chooses to give unsworn statement or to keep quiet, he will not open themselves up to cross-examination. In all cases though, he is entitled to call witness.

Ruling dated, signed and delivered at Kisii this 30th day of May, 2011.

ASIKE-MAKHANDIA

JUDGE