

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO. 28 OF 2008

REPUBLIC..... PROSECUTOR

-VERSUS-

STEPHEN ONDIEKI ONGOTO.....1ST ACCUSED

RICHARD ASIRI MOREMO.....2ND ACCUSED

JOSEPH ONGOTO ONGOTO.....3RD ACCUSED

RULING

Having perused and considered the evidence so far adduced by the prosecution albeit carefully, I am satisfied that the prosecution has made out a prima facie case to warrant the three accused persons being put on their defence and I so order. They can choose to defend themselves by either making sworn or unsworn statements or even keep quite. In the event that they choose to give sworn statements of defence, they will be subjected to cross-examination by the prosecution in the event that he chooses to. However, that will not be the case in the event that they choose to keep quiet. In all the cases however, they are entitled to call witnesses.

Ruling dated, signed and delivered at Kisii this 4th day of May, 2011.

ASIKE-MAKHANDIA

JUDGE