

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 31 OF 2006

REPUBLIC.....PROSECUTOR

VERSUS

FRANCIS NDUNGU GITHUI.....
.....ACCUSED

RULING

Having re-evaluated the evidence of the prosecution, I am satisfied that the prosecution has established a prima facie case against the accused.

The accused is reminded of his rights under Section 306(2) of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*) to -

- (1) *give evidence on oath and to call witnesses to testify on his behalf, and be subjected to cross-examination by the prosecution counsel, or*
- (2) *to make an unsworn statement, and not be subjected to cross-examination, or*
- (3) *to remain silent.*

The accused is called upon to indicate through his Advocate which of these rights he will exercise.

Dated, signed and delivered at Nakuru this 10th day of June 2011

M. J. ANYARA EMUKULE
JUDGE