

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL CASE NO. 13 OF 2009

REPUBLIC.....PROSECUTOR

VERSUS

SAMUEL NJOGU NJOROGE.....ACCUSED

RULING

I have had an opportunity to consider the prosecution evidence and the circumstances of the commission of the offence herein.

Although Mr. Cheche learned counsel for the accused urged strongly that there was no evidence upon which to put the accused on his defence, I am satisfied that the prosecution has made a **prima facie** case in terms of Section 306(1) of the Criminal Procedure Code (*Cap. 75, Laws of Kenya*).

The accused is therefore reminded of his constitutional and statutory rights to defend himself by either giving evidence on oath and be subjected to cross-examination, or to give an unsworn statement and thereby be not subjected to cross-examination, and to call witnesses to testify on his behalf, or simply to remain silent.

The accused is invited for purposes of record to elect which of these rights he wishes to exercise.

It is so ordered.

Dated, signed and delivered at Nakuru this 3rd day of June 2011.

M. J. ANYARA EMUKULE
JUDGE