

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL CASE NO. 65 OF 2004

REPUBLICRESPONDENT
-VERSUS-
JOSEPH LESIRE CHEKEM.....ACCUSED

RULING

I have considered the evidence so far tendered by the prosecution in support of the information preferred against the accused and I am satisfied that such evidence has established a prima facie case against the accused to warrant him being placed on his defence and I so rule.

The accused is reminded that there are three lawful ways in which he can defend himself. One, he can give a sworn statement of defence. If he elects to do so, he will be subject to cross-examination by the prosecutor and questions from court. Second, he can elect to make a sworn statement of defence. In this case, he will not be subject to cross-examination. Lastly, he may elect to keep silent. In all the cases however, he is entitled to call witness.

I will now invite the accused to tell me in which manner he intends to defend himself.

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

ASIKE – MAKHANDIA
JUDGE