



***No.2985***  
**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MACHAKOS**

**HC.CR. CASE NO.102 OF 2008**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**MUIMI NZALE WAMBUA.....1<sup>ST</sup> ACCUSED**  
**STEPHEN NZALE.....2<sup>ND</sup> ACCUSED**

**RULING**

I have carefully read and considered the evidence so far adduced by the Prosecution in support of the information preferred against the accused and I am satisfied that a *prima facie* case has been established to warrant the accused to being on their defence, and I so rule. The accused are informed that there are three ways in which they can defend themselves. They can choose to make a sworn or unsworn statements of defence, or even keep quiet. However, in the event that they elect to make sworn statements of defence, they would be liable to cross-examination by the prosecution. But not so if they elect to make unsworn statement or even keep quiet.

All cases, however, they are entitled to call witnesses. I will now invite the accused to inform me the manner in which they propose to defend themselves.

**Dated, signed and delivered at Machakos this 18<sup>th</sup> day of November, 2011.**

**ASIKE-MAKHANDIA**  
**JUDGE**