



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CRIMINAL CASE NO. 94 OF 2009**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**RICHARD MILIMBWA ..... ACCUSED**

**RULING**

After carefully considering the evidence of the 6 prosecution witnesses, I hereby find that the accused has a case to answer in terms of Section 306 of the Criminal Procedure Code. In that regard, the accused has a right to give evidence on his own behalf or to make any unsworn statement, and to call witnesses in his defence. In the event that the accused opts to give an unsworn statement, then he will not be subjected to any cross examination. However, when the accused gives a sworn statement, he will be allowed to call witnesses but will be cross examined. Lastly, in the event that the accused opts to keep quiet, then the advocate for the prosecution may sum up the case against the accused.

**MUGA APONDI**  
**JUDGE**

Ruling read, signed and delivered in open court in the presence of Gitonga for Omari for accused – Present

Motende for State – Present

**MUGA APONDI**  
**JUDGE**

**3<sup>RD</sup> NOVEMBER 2011**

**GITONGA**

Accused will give a sworn statement without calling any witnesses. We also pray for a date for the defence case.

**COURT**

Defence case will be heard on 10<sup>th</sup> November, 2011. Accused R.I.C.

**MUGA APONDI**  
**JUDGE**

**3<sup>RD</sup> NOVEMBER 2011**