

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
Criminal Case 52 of 2006**

REPUBLIC

.....
.....
PROSECUTOR

VERSUS

HENRY KANDIO

.....
.. ACCUSED

RULING

The accused at the conclusion of the prosecution's case requested the court to rule on whether the prosecution had made out a *prima facie* case. The accused is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. Prosecution after calling 6 witnesses closed its case. I have considered the evidence adduced by prosecution and I find that prosecution has shown a *prima facie* case sufficient to put accused person to his defence. I now therefore inform the accused of his right to address the court either personally or by his advocate, to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence. I wish to also state that I have examined the reason given by the investigating officer on why the accused was not produced before court within 14 days and I find the explanation given to be reasonable and therefore find that the accused constitutional rights were not violated as provided under section 72 (3) (b) of the Constitution.

Dated and delivered at Meru this 14th day of May 2010.

MARY KASANGO
JUDGE