



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CRIMINAL CASE NO. 42 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

GILBERT MUTAI1ST ACCUSED

HILLARY KIPROTICH.....2ND ACCUSED

RULING

The accused are charged with murder under **Section 203** as read with **Section 204** of the Penal Code. The particulars of the charge are that the accused “... on the 29th day of October, 2008 at Kusumek village in Buret District within Rift Valley Province jointly murdered **STEPHEN KIPNGENO KORIR**”

I have perused the evidence adduced in support of the charge. I have come to the conclusion that there is a case to answer. I therefore put the accused on their defence. The accused are at liberty to remain mum or to testify on oath or to make an unsworn statement from the dock. Each of them can also call witnesses. The defence counsel shall let the court know the course the accused intend to take after which the court shall give a hearing date for the trial.

DATED at KERICHO this 23rd day of November, 2010

G.B.M. KARIUKI, SC

RESIDENT JUDGE

COUNSEL APPEARING

Mr. K.L. Kipyegon Advocate, instructed by Messrs Kipyegon & Co. Advocates appeared for the accused
Mr. Kiprop, State Counsel from the Attorney General's Chambers appeared for the State
Court Clerk – Mr. Koech