

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 17 OF 2010

REPUBLIC.....PROSEC
UTOR
VERSUS
MUSA KOSGEI
KIPKEMOI.....ACCUSED

RULING

I have now had an opportunity to consider the evidence adduced by the eight (8) prosecution witnesses in this matter.

I am satisfied that the prosecution has established a prima facie case that the accused was the probable perpetrator of the killing of the deceased herein. I therefore call upon the accused to his defence.

The accused is however remanded of his statutory rights under Section 306 of the Criminal Procedure Code, either to give evidence on oath and be subjected to cross-examination and to call witnesses on his behalf, or to give an unsworn statement, and be not subject to cross-examination, or to remain silent. He will for the record indicate his choice or election.

Those are the orders of the court.

Dated, delivered and signed at Nakuru this 10th day of December, 2010

M. J. ANYARA EMUKULE

JUDGE