

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 16 OF 2010

REPUBLIC.....
.....PROSECUTOR

VERSUS

VINCENT KIPKURUI KOECH.....
.....1ST ACCUSED

DENNIS KIPCHIRCHIR KOECH.....
.....2ND ACCUSED

RULING

The Accused, Vincent Kipkurui Koech and Dennis Kipchirchir Koech are both charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code (*Cap. 63, Laws of Kenya*).

The particulars are that the accused, on the 11th day of February, 2010 at Esageri Trading Centre in Koibatek District within Rift Valley Province murdered Kelvin Kibiwott Ng'etich.

The prosecution called seven witnesses including the Doctor and Investigating Officer. I have considered the evidence on record, and I am satisfied that the prosecution has established a **prima facie** case against both accused, and I accordingly put them to their defence.

I accordingly remind each of them of his statutory rights under Section 306 of the Criminal Procedure Code (*Cap. 75, Laws of Kenya*) to give evidence on oath and be subjected to cross-examination and call witnesses; or to give an unsworn statement and be not subjected to cross-examination or to remain silent.

The accused are called upon to elect following the delivery of this ruling which of these rights they wish to exercise.

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

M. J. ANYARA EMUKULE
JUDGE