

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Criminal Case 36 of 2007

REPUBLIC :::::::::::::::::::::::::::::: PROSECUTOR

V E R S U S

DANSTONE AKALA MUTSAMIN ::::::::::::::: ACCUSED

R U L I N G

The accused is facing a charge of murder contrary to section 203 as read together with section 204 of the Penal Code. He is said to have murdered **GLINTON SORE**.

The prosecution has called nine witnesses. The said witnesses have confirmed that the deceased was injured by a knife. They have said that it was the accused person who stabbed the deceased.

The doctor who carried out the postmortem has told the court that the cause of the deceased's death was cardio-respiratory arrest due to severe anemia, secondary to hemorrhage due to a deep stab wound to the chest.

As the prosecution witnesses have linked the accused to the incident which led to the death of the deceased, I find and hold that the accused has a case to answer. He will therefore be put on his defence.

The accused is advised that it is his right to choose the manner in which he wishes to give his defence. He may give an unsworn testimony; in which case, he will not be cross-examined. He may choose to give evidence on oath, and he does so, he will be cross-examined. Thirdly, the accused is entitled to remain silent.

If he has witnesses, the accused may call them.

Dated, Signed and Delivered at Kakamega, this 2nd day of April, 2009

FRED A. OCHIENG

J U D G E