

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Criminal Revision 86 of 2005

GODANA WAKOAPPLICANT

-VS-

REPUBLICRESPONDENT

RULING

The accused has been charged for the offence of murder, contrary to Section 203 as read with 204 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence as stated on the information are as follows:

“On the 31st day of July, 2006 at Bute Trading centre in Buna Division of Wajir District within North Eastern province murdered WAKO GODANA.”

After carefully perusing the evidence of the 15 witness, I hereby find that the prosecution has established a prima facie case against the accused to require him to be put on his defence in accordance to Section 306 (2) of the Criminal Procedure Code, Cap 75, Laws of Kenya. The accused has the option to address the court either personally or by his advocate. In the event that the accused opts to give a sworn statement, then he will be subjected to cross-examination. He also has a right to call any number of witnesses in his defence.

Secondly, the accused has a right to make an unsworn statement and call witnesses to his defence. In the event that the accused exercises the second option, then he will not be subjected to any cross-examination.

Thirdly, the accused is at liberty not to offer any evidence. In that event, the Court will call upon the State Counsel to sum up the case against the accused person. Consequently, the court shall then call on the accused person personally or by his advocate to address the court on his own behalf.

MUGA APONDI

JUDGE

Ruling read signed and delivered in open court in the presence of the accused and

Mr. Kihara**Defence Counsel**

Mr. Ong’ondo **For Accused**

MUGA APONDI

JUDGE

19TH MAY, 2009