



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NYERI**

**Criminal Case 7 of 2008**

**REPUBLIC ..... PROSECUTOR**

**VERSUS**

**JOEL NDERITU MIHANG'O ..... ACCUSED**

**R U L I N G**

I have carefully reviewed and considered the evidence so far adduced by the prosecution in support of the charge as well as rival oral submissions on no case to answer. I am however satisfied that the prosecution have been able to establish a prima facie case to warrant the accused being placed on his defence. In terms of Section 306(2) of the Criminal Procedure Code I now place the accused on his defence. I also now call upon him to elect whether he will make sworn, unsworn statement or whether he will elect to keep quiet. Whichever election he makes he is reminded that he has right to call witnesses.

*Dated at Nyeri this 30<sup>th</sup> day of June 2009*

**M. S. A. MAKHANDIA**

**JUDGE**