



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (NAIROBI LAW COURTS)**

**Criminal Case 85 of 2006**

**REPUBLIC.....APPLICANT**

**-VS-**

**MATIPEI KOSHAI PARKO.....DEFENDANT**

**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 24<sup>th</sup> day of September 2004 at Kumpa Masai reserve, within Kajiado District Rift Valley Province murdered LETEIYO NKURUMA.”*

After carefully perusing the evidence of the 10 witnesses, 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. The accused 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, 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

Ong’ondo .....**Defence Counsel**

Muoki ..... **For Accused**

**MUGA APONDI**

**JUDGE**

**10<sup>TH</sup> JUNE, 2009**