REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL CASE 2 OF 2006

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

VS

ISAAC ORAPA & 2 OTHERS :::::::::::::::::: ACCUSED

RULING

I have carefully gone through the evidence adduced so far and more particularly the evidence of PW4. I am satisfied that the state has established a prima facie case against each of the offenders to require them to be placed on to their defence on the charge of murder as charged. They are accordingly placed onto their defence under section 306 (2) of the Criminal Procedure Code.

They are clearly informed that in making their defence, they have a right to make an unsworn statement of defence. They can testify on oath in which case they may be cross-examined by the prosecution and further that they may also opt to exercise their Constitutional Right to remain silent. They are also informed of their right to call any witness in support of their defence.

On being so informed, the offenders reply:-

-They say they went to co suit their advocate on the mode of defence.

W. KARANJA

JUDGE

COURT: Election to be made on the date scheduled for defence.

W. KARANJA

JUDGE

ORDER:Defence hearing to proceed on 29.5.2007. Bond extended and remanded in custody.

W. KARANJA

JUDGE

22/5/2007