



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**  
**AT KAKAMEGA**

**Criminal Case 59 of 2003**

**REPUBLIC .....PROSECUTOR**

**V E R S U S**

**PAUNCIANOS SHAMALA LISAVAKWA ..... ACCUSED**

**R U L I N G**

The accused was charged with murder c/s 203 as read with s. 204 of the Penal Code, Cap 63 of the Laws of Kenya. The particulars or the charge were that:-

***“PAUNCIANOS SHAMALLA LISAVAKWA: on the 21<sup>st</sup> day of October, 2002 at Mundulu village, Shidodo sub-location, Khayega Location in Kakamega District within Western Province, murdered VINCENT INDOKO LISAVAKWA.”***

The prosecution called a total of six witnesses before closing its case. I have perused the evidence adduced. Under section 306 (1) of the Criminal Procedure Code, Cap 75, if no case has been made out to warrant the accused being put on his defence, the accused is entitled to be acquitted. If on the other hand, a prima facie case has been made out, the accused will be put on his defence and his rights explained.

I have perused the evidence adduced by the prosecution witnesses. The offence with which the accused was charged was committed in daylight and the evidence adduced shows that the accused has a case to answer. Accordingly, I put the accused on his defence. He is at liberty to give sworn or unsworn evidence in defence and to call witnesses. He may also remain mum. His advocate shall indicate to the court the nature of the defence to be put forward by the accused.

***Dated at Kakamega this 18<sup>th</sup> day of October, 2007.***

**G. B. M. KARIUKI**

**J U D G E**