

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUNGOMA
Criminal Case 28 & 40 of 2004

REPUBLIC.....PROSECUTOR

VS

FAUSTINE ETYANG Alias EKISA.....1ST ACCUSED

GEOFFREY EKISA KABURO.....2ND ACCUSED

RULING

The accused persons herein, Faustine Etyang alias Ekisa and Geoffrey Ekisa kaburo are before this Court duly charged with the offence of murder contrary to section 203 as read together with Section 204 of the Penal code. The particulars of the offence are that on the 5th day of May 2003 at Mongodewa Village, Moding Location in Teso District within Western Province, jointly murdered Benjamin Emojong.

The prosecution tendered the evidence of 10 witnesses in support of the charge. I have anxiously and carefully considered the evidence presented by the 10 prosecution witnesses. I am satisfied that the evidence incriminate both the accused persons as the people who committed the offence now facing them. They are consequently placed on their defence. It is now upon each of the accused persons to state whether they intend to summon witnesses and whether or not they would testify in person and if so whether they would give sworn or unsworn testimony.

Dated and delivered this 30th day of January 2006

J. K. SERGON

JUDGE

In the presence of Mr. Aoga for the accused. In the absence of the learned Principal State Counsel.

MR OYAGIO: The accused persons shall give sworn evidence without calling witnesses. We pray for a date.

COURT: This case is fixed for mention on 22.2.2006 for purposes of fixing a hearing date. The assessors be paid today's allowances.

J. K. SERGON

JUDGE