

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUNGOMA
Criminal Case 14 of 2003

REPUBLIC.....PROSECUTO

R

VS

FRED NALIANYA

WEKESA.....ACCUSED

RULING

The accused herein, Fred Nalinya Wekesa is before this court facing a charge of murder contrary to section 203 as read with section 204 of the Penal Code. The particulars of the offence are that on the nights of 15th and 16th April 2003 at Soy Sambu Scheme, Soy Sambu Sub-location in Bungoma District within the Western Province, jointly with others not before court murdered Magdaline Wairimu Muriithi.

The prosecution closed its case after leading the evidence of seven (7) witnesses. The learned Principal counsel and the defence counsel made submissions under section 306 of the Criminal Procedure Code.

I have considered the evidence and the able submissions. I am satisfied that the evidence tendered squarely incriminates the accused with the offence of murder. Consequently, the accused is placed in his defence. It is now upon the accused and his legal advisers to inform this court as to how he intends to tender his defence.

Dated and delivered this 12th day of September 2006.

J. K. SERGON

JUDGE

In open Court in the presence of Mr. Onchiri for the accused and in the presence of Mr. Onderi for the state.

COURT: This case is adjourned to 11.00 a.m for defence hearing.

J. K. SERGON

JUDGE