

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KAKAMEGA
Criminal Case 46 of 2002

REPUBLIC PROSECUTOR
V E R S U S
RAMADHAN OMOLLO EMITETI ACCUSED

R U L I N G

The accused, Ramadhan Omollo Meteti, was charged with murder c/s 203 as read with section 204 of the Penal Code. The particulars of the charge are that he murdered RICHARD WAFULA on the 31st December, 2001 at Busombi village, Khalaba sublocation, Matungu Location in Butere/Mumias District within Western Province.

A total of 15 witnesses gave evidence in support of the charge. The evidence shows that Richard Wafula, deceased, was murdered as alleged. The evidence adduced by the prosecution in support of the charge point to the accused. A prima facie case has been made out to warrant the accused to be put on his defence. In terms of the provisions of section 306 (2) of the Criminal Procedure Code (Cap.75) I put the accused on his defence. The accused has the right to give an unsworn statement from the dock and call witnesses. If he does so, he will not be cross examined but his witnesses will. He has also the right to give sworn evidence and to call witnesses. If he does so, he shall be cross-examined as will his witnesses. He has also the right to remain mum in which case his counsel may sum up the case against the accused.

Dated at Kakamega this 28th day of October, 2005.

G. B. M. KARIUKI
J U D G E