

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

Criminal Case 35 of 2002

REPUBLICPROSECUTOR

VERSUS

1. PHILIP WANJALA EFUMBI

2. KEFIN WAFULA EFUMBI

3. JACKSON MUKANI EFUMBI

4. DAVIES WAWIRE EFUMBI ACCUSED

R U L I N G

The four accused were charged with murder of Matayo Efumbi on 24.7.01 at Sikhindu village, Buchangu Sub-location, Central Bunyala In Kakamega district, Western Province, in Kenya. A total of five prosecution witnesses gave evidence in support of the charge.

The evidence shows that the deceased was killed on the day and place alleged. It also points to the accused persons. In the circumstances, I put the accused on their defence. The defence counsel will indicate to the court whether the Accused will give sworn or unsworn evidence and whether they will call witnesses or whether they will keep mum.

Delivered, dated and signed at Kakamega on the 16th day of December, 2005.

G. B. M. KARIUKI

J U D G E