

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA

CRIMINAL CASE NO.8 OF 2002

REPUBLIC PROSECUTOR

VERSUS

DUKA MWAMPIGWA DUKA ACCUSED

Coram: Before Hon. Justice Mwera

Miss Mwaniki for the State

Kibe for accused

Court clerk – Sango

R U L I N G

After the close of the prosecution case Mr. Kibe submitted that there was no case for the accused to stand in defence of and that he should be acquitted at this point. The Learned Counsel went over the evidence and the exhibits and concluded that since all pointed to the accused suffering insanity at the time of the offence herein, he neither had the capacity to comprehend the nature of his acts or that they were wrong (quality).

The Learned State Counsel had a different view in that the accused suffered from temporary insanity but the whole course leading to the commission of the offence was normal.

Having gone over the evidence and heard counsel this court is of the view that the accused be put on his defence in accordance with Section 306 Criminal Procedure Code.

Order delivered on 14th December, 2004.

J.W. MWERA

JUDGE