



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO.6 OF 2002

**REPUBLIC..... STATE COUNSEL
VERSUS
JOEL OTIENO SAKA ACCUSED**

RULING:

The accused person JOEL OTIENO SAKA has been charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code, in that it is alleged on the 11th day of March 2001 at East Kanyanda Location in Homa Bay District within Nyanza Province, the accused person jointly with another not before the court, they murdered PETER OMONDI ODUOR.

At the close of prosecution case, nine witnesses had testified on behalf of the prosecution and both counsels have made no submissions whether a prima facie case has been established which would warrant the accused being put on his defence.

I have gone through the evidence on the court record so far produced and I have seen the exhibits that have been produced in court and it is clear that there is sufficient evidence on the court record to warrant the accused person to be put on his defence. Consequently, the accused person is put on his defence and the provisions of section 306(2) of the Criminal Procedure Code are explained to him.

Dated and delivered at Kisii this 15th day of August 2003.

P.K.K.A. BIRECH

COMMISSIONER OF ASSIZE