

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL DIVISION

CRIMINAL CASE NO. 60 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JOHN OTIENDE ALFAYO.....ACCUSED

R U L I N G

1. Having listened to all the 10 prosecution witnesses in this matter. I am satisfied that the prosecution has established a prima facie case against the accused person requiring him to be put on his defence. In this regard, the accused is required to defend himself. He may give sworn or unsworn evidence. In the alternative, he may choose to remain silent and let the court decide the case on the evidence that is before it.

2. If accused elects to give sworn evidence both the court and the prosecutor may ask him questions. If he gives sworn evidence, he will not be asked question. In both scenarios, the accused is at liberty to call witnesses.

3. It is now upon the accused either directly or through his advocate to indicate which of the three options he will take to defending himself.

It is so ordered.

Ruling delivered, dated and signed in open court here at Kakamega this 7th day of May 2018

RUTH N. SITATI

JUDGE

In the presence of:

Mr. Ngetich.....for State

Miss Andiafor Accused

Polycap.....Court Assistant