

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL CASE NO. 1 OF 2016

STATE.....PROSECUTOR

VERSUS

NICHOLAS WANJOHI GAKUYA.....RESPONDENT

RULING

1. **NICHOLAS WANJOHI GAKUYA** was charged with the offence of **murder contrary to Section 203 as read with Section 204 of the Penal Code**. After pleading not guilty his trial commenced. The prosecution called **seven witnesses** before closing the case.

2. This court is duty bound as per the provisions of **Section 306(2)** of the Criminal Procedure Code to determine whether the accused has a case to answer.

3. Having considered the evidence on record I do find that the accused has **a case to answer**. In that regard the accused is informed that he has the right to address the court, either personally or by his advocate; to give evidence either on his own behalf, or make unsworn statement. Accused is also informed that he has a right to call witnesses. The accused is now called upon to make his election.

DATED AND DELIVERED THIS 25TH DAY OF JANUARY 2017.

MARY KASANGO

JUDGE

CORAM

Before Justice Mary Kasango

Court Assistant: Njue

Accused: Nicholas Wanjohi Gakuya

For Accused:.....

For the State:

COURT

Ruling delivered in open court.

MARY KASANGO

JUDGE