

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL DIVISION

CRIMINAL CASE NO. 23 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

JOEL JUMBA MIROYA.....ACCUSED.

RULING

1. The accused in this case is charged with the offence of murder contrary to section 203 was read with section 204 of the Penal Code. The particulars being that on the 22nd April, 2013 at Kapteini village, Serem location Shamakhokho Location in Hamisi District within Vihiga County, he murdered Jackline Khavakala. He denied the charge and the prosecution has called 6 witnesses in its attempt to prove the charge against the accused.

2. Having seen and listened to all the 6 prosecution witnesses. I am satisfied that the prosecution has established a prima facie case of murder against the accused person requiring him to be placed on his defence. I proceed to do so.

3. In defending himself, accused may give sworn or unsworn evidence. He may also if he chooses, remain silent and let the court decide the case on the evidence that is already on record. If accused gives sworn evidence, both the court and the prosecution may ask him questions. However, if he gives unsworn evidence, no questions will be put to him. In both instances, he has a right to call witnesses.

4. I now invite the accused person, Joel Jumba Miroya to indicate to the court how he intends to proceed with his defence.

Ruling delivered, dated and signed in open court here at Kakamega this 13th day of June, 2017

RUTH N. SITATI

JUDGE

In the presence of;

.....Miss Andiafor accused.

.....Mr. Juma.....for state

.....polycap.....Court Assistant