



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CRIMINAL CASE NO. 46 OF 2012**

**REPUBLIC .....STATE COUNSEL**

**VERSUS**

**PETER INGOKA KHATSIMBA..... ACCUSED**

**RULING**

1. On 03/12/2012, the Accused herein **PETER INGOKA KHATSIMBA** was charged with the murder of one **KELLY FEFA SHITANDI**.
2. He pleaded not guilty and thereafter the hearing of the case commenced. The prosecution called a total of 4 witnesses in its bid to prove the charge against the Accused.
3. At the close of the prosecution case on 24/11/2014 the parties invited the Court to make a ruling while reserving their submissions.
4. This Court has perused the record and the evidence tendered. It is a fact that the said **KELLY FEFA SHITANDI** lost his life and in view of the available evidence on record it would be only prudent to hear the Accused on what he may have to say on the charge, if any.
5. On that footing and upon the assessment of the evidence, this Court is satisfied that the prosecution has adduced sufficient evidence to warrant the Accused be placed on his defence.
6. The Accused herein is accordingly put on his defence.

**DATED, DELIVERED AND SINGED AT KAKAMEGA THIS 12<sup>TH</sup> DAY OF FEBRUARY 2015.**

**A. C. MRIMA**

**JUDGE**