

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 27 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

FREDERICK GEORGE MUKHANA.....1ST ACCUSED

BENSON ODUOR PANYA.....2ND ACCUSED

RULING

Frederick George Mukhana, the 1st accused, and Benson Oduor Panya, the 2nd accused, are jointly charged with murder contrary to section 203 read with section 204 of the Penal Code. It is alleged that they murdered Robert Ochieng Makokha on 7th April 2012 at Dadora Phase Four in Njiru District within Nairobi County. Both accused have each denied the charge necessitating this full trial. They are represented by Mr. Omollo, advocate.

At the close of the prosecution evidence following testimony of eight (8) witnesses the court has a duty to determine whether the prosecution evidence is sufficient to necessitate the court to call upon both of the accused persons or any of them to call evidence in their/his defence.

I have read considered all the evidence on record. I am persuaded that there is sufficient evidence on record against each of the accused persons. My finding is that a prima facie case has been made out against each of the accused persons requiring each to defend himself. I will and do hereby put each on his defence. I also inform them of their right under section 306 (2) of the Criminal Procedure Code to inform this court how they wish to give evidence in their respective defences, either by taking an oath or without oath. They are also informed of their right to inform this court if they wish to call any witnesses to testify in their defence and if so how many witnesses. It is so ordered.

Dated, signed and delivered this 8th day of June 2015.

S. N. Mutuku

Judge