

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 109 OF 2012

REPUBLIC.....PROSECUTOR

VERSUS

GEORGE KINYANJUI WACHUKA.....ACCUSED

RULING

George Kinyanjui Wachuka, the accused, is charged with murder contrary to section 203 read with section 204 of the Penal Code. The offence is alleged to have been committed on 26th December 2012 at Githurai Kimbo in Kasarani District within Nairobi County. The victim is Stephen Heho, deceased.

At the close of the prosecution case after calling a total of nine witnesses, this court has to determine whether there is sufficient evidence to necessitate placing the accused on his defence.

I have carefully considered all the evidence by the prosecution witnesses and submissions by both counsel and I find that there is sufficient evidence establishing a prima facie case against the accused. This court therefore places the accused on his defence. He is hereby informed of his right under section 306 (2) of the Criminal Procedure Code to address this court on the manner he wishes to defence himself, either by taking an oath or without taking an oath. He is also informed of his right to inform the court if he wishes to call any witnesses.

Orders are made accordingly.

Dated, signed and delivered this 4th day of June 2015.

S.N. MUTUKU

JUDGE