

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

At this stage of the trial this court is required to determine whether the evidence so far tendered by the prosecution witnesses is sufficient to make a prima facie case to make this court conclude that the accused person has a case to answer.

The accused person is George Kinyanjui Wachuka. He is accused of killing Stephen Heho on 26th December 2012 at Githurai Kimbo in Kasarani District within Nairobi County.

I took evidence of nine prosecution witnesses which I have carefully examined. I find this evidence sufficient to persuade me to arrive at a conclusion that the accused person has a case to answer. I find that a prima facie case has been made out against the accused and I hereby place him on his defence. He is hereby informed of his right under section 306 (2) of the Criminal Procedure Code to address this court either in person or through his advocate whether he will give evidence under oath or without taking oath and whether he wishes to call any witnesses in his defence. It is so ordered.

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

S.N. Mutuku

Judge