

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL CASE NO.12 OF 2009

REPUBLIC - PROSECUTOR

VERSUS

ANDREW CHERUIYOT CHEPKWONY - ACCUSED

RULING

The accused herein, Andrew Cheruiyot Chepkwony is before this court on trial for the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on the 29th day of January 2006 at around 4.00 p.m. at Chepkolon village in Njerian Location Bomet District of Rift Valley Province murdered Jackson Kibet Ngeno. A total of ten (10) witnesses testified after which the prosecution closed its case.

Pursuant to the provisions of Section 306 of the Criminal Procedure Code, learned counsels appearing in this case were invited to submit on whether or not there is a case to answer on the part of the accused. Mr. Mutai, learned Senior Prosecution Counsel did not make any submissions but urged this court to consider the evidence and come up with its decision. On the other Mr. Ochieng, learned advocate for the accused, did not appear in court on the date fixed for submissions. I carefully considered the evidence of the ten prosecution witnesses. The sum total of the evidence is that the accused person is linked as the person who committed the offence. Consequently, I order that the accused person be placed on his defence. It is now upon him and his legal advisors to inform this court first, whether he would personally testify and if yes whether he will give sworn or unsworn testimony. Secondly, whether or not he will be summoning independent witnesses.

Dated, signed and delivered in open court at Kericho this 6th day of June 2014

J. K. SERGON

JUDGE

In the presence of:

- Miss. Kivali for Director of Public Prosecutions
- N/A for Ochieng for accused
- Accused: present in person

COURT:

Mention on 17th June 2014 for the accused to state how he will undertake his defence. Hearing Notice to issue upon Mr. Ochieng.

J. K. SERGON

JUDGE

6TH JUNE 2014

