

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 72 OF 2008

REPUBLIC.....PROSECUTOR

VERSUS

BEN KIPYEGON BIRIR.....ACCUSED

RULING

At the end of the prosecutions case, counsel for the accused submitted that the Prosecution had not established a prima facie case against the accused for the offence of murder. The Prosecuting Counsel submitted to the contrary.

I have now had the benefit of perusing the record and I am satisfied that the prosecution has established a prima facie case against the accused. I therefore put the accused to his defence. I remind him of his constitutional and statutory rights -

1. to give evidence on oath and be cross-examined, and to call witnesses,
2. to give an unsworn statement and be not subject to cross-examination,
3. to remain silent.

The accused is called upon to elect any of these rights through his Advocate.

Dated, signed and delivered at Nakuru this 10th day of October, 2014

M. J. ANYARA EMUKULE

JUDGE