

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL CASE NO. 104 OF 2009

STATE.....REPUBLIC

VERSUS

DAVID GITHU SAMUEL.....ACCUSED

RULING

David Githu Samuel (*the accused*) is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code, (*Cap. 63, Laws of Kenya*). Eight witnesses testified on behalf of the prosecution. I have reviewed their evidence and I am satisfied that the prosecution has established a prima facie case against the accused.

In exercise therefore of the jurisdiction conferred upon this court by Section 306(1) of the Penal Code, I put the accused to his defence, and remind him of his constitutional rights -

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

Counsel will at the beginning of the defence case indicate to the court which of these rights he wishes to exercise.

It is so ordered.

Dated, signed and delivered at Nakuru this 14th day of November 2014

M. J. ANYARA EMUKULE

JUDGE