

REPUBLIC OF KENYA

IN THE REPUBLIC OF KENYA

AT KAKAMEGA

CRIMINAL CASE NO. 23 OF 2006

REPUBLIC

VERSUS

COSMAS IMBENZI LUMITI.....ACCUSED

RULING

1. The accused person herein, **Cosmas Imbenzi Lumiti**, was charged with the offence of murder contrary to S.203 as read with S.204 of the Penal Code. It was alleged that on 15.12.2005 at Bushifi village, Shirere Location in Kakamega District jointly with others not before the court, they murdered Definah Shiliebo.

2. I have now read the evidence as recorded by **Chitembwe, J.** and I am satisfied that the State has made out a **prima facie** case to warrant the accused person being put on his defence.

3. In the event, I find that he has a case to answer and will place him on his defence.

4. Orders accordingly.

Delivered, dated and signed at Kakamega this 3rd day of March, 2011.

ISAAC LENAOLA

J U D G E