



REPUBLIC OF KENYA
IN THE HIGH COURT
AT MACHAKOS
Criminal Case 84 of 2004

REPUBLIC

VERSUS

1. GLADYS KAMENE NZOMO

2. SAMMY DANIEL KIKONGO

3. DENIS MUSYOKI KIVAYA ACCUSED

RULING

1. I have now had an opportunity to read the evidence on record. I am satisfied that the Republic has made out a prima facie case against the 1st and 2nd accused and I find that they have a case to answer. I will also put them on their respective defences.
2. The learned Principal State Counsel has however also urged the point that he may not have established a case against the 3rd accused. I disagree and I also find that from my reading of the record (and I am not obligated to give any reasons at this stage) I find that a prima facie case has similarly been made out against the 3rd accused person.
3. In the event all the accused persons have a case to answer and I hereby put them on their individual defences.
4. Orders accordingly.

Dated and delivered at Machakos this 1st day of July 2009.

ISAAC LENAOLA

JUDGE

In presence of: **Mr Wang'ondy for Republic**

Mr Sila for accused persons

ISAAC LENAOLA

JUDGE