



**Republic v Anduru alias Otina & another (Criminal Case 31 of 2021) [2024] KEHC 7856 (KLR) (25 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7856 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VIHIGA  
CRIMINAL CASE 31 OF 2021**

**JN KAMAU, J  
JUNE 25, 2024**

**BETWEEN**

**REPUBLIC ..... REPUBLIC**

**AND**

**ELPHAS OTIENDE ANDURU ALIAS OTINA ..... 1<sup>ST</sup> ACCUSED**

**LILIAN ANGISO ROBERT ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. This matter was partly heard by Musyoka J. He took the evidence of Adams Ochami Namyaga (hereinafter referred to as “PW 1”), Alfred Amuga (hereinafter referred to as “PW 2”), Rebecah Ayuma Ngaa (hereinafter referred to as “PW 3”), Dr Dixon Mchana (hereinafter referred to as “PW 4”), Hezron Arunga (hereinafter referred to as “PW 5”), No 29394 PC Ronald Ngala Olweno (hereinafter referred to as “PW 6”) and Joel Nanjelo John (hereinafter referred to as “PW 7”).
2. This court became seized of the matter on 8<sup>th</sup> March 2023. It took the evidence of Richard Kimutai Lang’at (hereinafter referred to as “PW 8”) and No 661566 Corporal Paschal Syombua (hereinafter referred to as “PW 9”).
3. On 5<sup>th</sup> November 2023, the Prosecution closed its case after calling a total of nine (9) Prosecution witnesses.
4. The 1<sup>st</sup> Accused person’s Written Submissions were dated 4<sup>th</sup> December 2023 and filed on 16<sup>th</sup> February 2023 while those of the 2<sup>nd</sup> Accused person were dated 6<sup>th</sup> December 2023 and filed on 7<sup>th</sup> December 2023. Although the Prosecution indicated that it had filed its Written Submissions, this court noted that the same were not in the court file as at the time of writing this Ruling.
5. The 1<sup>st</sup> and 2<sup>nd</sup> Accused persons reproduced the evidence that was tendered during trial and submitted that the Prosecution had not established any case to warrant placing them on their defence. They urged



this court to acquit and discharge them under Section 306 and 210 of the *Criminal Procedure Code* respectively.

6. Having carefully considered the evidence of the said Prosecution witnesses and the Written Submissions by the Accused persons, the court was of the opinion that a *prima facie* case had been established against the 1<sup>st</sup> and 2<sup>nd</sup> Accused persons herein to warrant them being put on their defence. They are hereby put on their defence.
7. It is so ordered.

**DATED AND DELIVERED AT VIHIGA THIS 25<sup>TH</sup> DAY OF JUNE 2024**

**J. KAMAU**

**JUDGE**

