



**Republic v Kong’o & 4 others (Criminal Case 40 of 2021)
[2024] KEHC 14911 (KLR) (28 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14911 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
CRIMINAL CASE 40 OF 2021
JN KAMAU, J
NOVEMBER 28, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

ZABLON ARUKA KONG’O 1ST ACCUSED

PATRICK ISILABA ANG’ANA ALIAS PAULO 2ND ACCUSED

ZEDEKIA SAWANGO OKWARO 3RD ACCUSED

PATRICK SANGO OKWARO ALIAS PARTY 4TH ACCUSED

ANTONY OSINDE OKWARO 5TH ACCUSED

RULING

1. This matter was partly heard by Njagi and Musyoka JJ. This court became seized of the same on 8th March 2023. The parties asked it to proceed from where the same had reached.
2. On 30th September 2024, the Prosecution closed its case after calling a total of six (6) Prosecution witnesses. It indicated that it would not file Written Submissions on the question of whether or not the Accused person had a case to answer but would rely on the evidence on record. On their part, the 1st, 2nd, 3rd, 4th and 5th Accused persons sought for time to file their Written Submissions. The court directed that they file the same by 14th October 2024. However, as at the time of writing this Ruling, their Written Submissions had not been uploaded on the e-filing portal.
3. Having carefully considered the evidence by the Prosecution witnesses, the court was of the opinion that a prima facie case had been established against the 1st, 2nd, 3rd, 4th and 5th Accused persons herein to warrant them being put on their defence. They are hereby put on their defence.
4. It is so ordered.



DATED AND DELIVERED AT VIHIGA THIS 28TH DAY OF NOVEMBER 2024

J. KAMAU

JUDGE

