



REPUBLIC OF KENYA



KENYA LAW

THE NATIONAL COUNCIL FOR LAW REPORTING

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State v Kuyo (Criminal Case 9 of 2014) [2023] KEHC 979 (KLR) (21 February 2023) (Ruling)

Neutral citation: [2023] KEHC 979 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE 9 OF 2014
RE ABURILI, J
FEBRUARY 21, 2023**

BETWEEN

STATE PROSECUTION

AND

CALVIN OKOTH KUYO ACCUSED

RULING

1. This morning, this Court declined adjourning this case at the behest of the prosecution on account of lack of witnesses and granted the prosecution time to consult its Regional Coordinator as requested, for further directions.
2. Ms Ayieta counsel for the Defence is ready to proceed. The Prosecution is not ready to proceed on account of now not receiving directions from the Regional Coordinator as per the Office Policy.
3. The case is for hearing and there are no witnesses to testify. No witness has ever attended court with the intention of testifying in this case against the accused person, not even the family of the deceased Patrick Odhiambo Okello, since the accused returned from Mathare Hospital in early 2019.
4. What that means is that since the Prosecution have no witnesses to call and are not ready to withdraw the Murder charge against the accused person, they have left the matter to court. In the circumstances, and as the Prosecution have been unable to trace and avail witnesses to testify against the accused person for over 4 years since the accused recovered from mental illness, I find no reason to keep this file open.
5. I hereby quash the information dated February 3, 2014 brought against the accused person Calvin Okoth Kuyo and acquit the said accused person for want of evidence.
6. Accordingly unless, otherwise held, Calvin Okoth Koyo is hereby acquitted of the Information of Murder and is hereby set at liberty forthwith.
7. I so order.



8. File closed.

Dated, signed and Delivered at Kisumu this 21st Day of February, 2023

R.E. ABURILI

JUDGE

