



**State v Otieno (Criminal Case E016 of 2022)
[2023] KEHC 25964 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25964 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E016 OF 2022
DO OGEMBO, J
NOVEMBER 23, 2023**

BETWEEN

STATE PROSECUTION

AND

FRANCIS STEPHEN OTIENO ACCUSED

RULING

1. I have considered the evidence of the 7 Prosecution witnesses and the submissions filed herein by the defence on 14/11/2023. Guided by the authority of *Bhatt v R* (1957) EA 332, I am convinced that a *prima facie* case has been established against the accused that would warrant that accused being placed to his own defence. I accordingly find that accused has a case to answer and place him to his own defence.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 23RD DAY OF NOVEMBER, 2023

D.O. OGEMBO

JUDGE

23. 11.2023

Court:

Ruling read out in Open court in presence of accused, Mr. Ooro for accused and Ms. Mumu for State.

Defence hearing 13/2/2023.

D.O. OGEMBO

JUDGE

23. 11.2023



Ooro:

We shall give sworn evidence and call 2 more witnesses.

We shall supply sentences.

Court:

Same is noted.

D.O. OGEMBO

JUDGE

23. 11.2023

