



REPUBLIC OF KENYA



**Republic v Gori (Criminal Case 7 of 2018)  
[2023] KEHC 27111 (KLR) (21 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 27111 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE 7 OF 2018  
MS SHARIFF, J  
DECEMBER 21, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**RICHARD AKOMBO GORI ..... ACCUSED**

**RULING**

1. The Accused person herein one Richard Akombo Gori faces a charge of murder contrary to Section 203 as read with 204 of the [Penal Code](#) Chapter 63 of the Laws of Kenya.
2. The Prosecutor has called the evidence of 4 witnesses in support of its case and it submits that it has established a prima facie case against the accused person.
3. The Accused person has filed written submissions wherein he posits that the prosecution has not established a prima facie case against the accused person and that the only evidence that mentioned the accused person was that of PW1 and another witness who was never availed to testify. Reliance has been placed on the case of *Bhatt v R* (1957) E. A. 332.
4. The defence further submits that the prosecution has failed to demonstrate that the accused had the nerves to commit the crime. The case of [Republic v Hezrone Maina Wanga and Christopher Manyasia Lutomia](#) has been relied upon in this regard.
5. I have considered the evidence tendered before court which places the accused on the scene of the crime at the material time and the fact that PW1 did in her first report identify the persons who had attacked her and the deceased; the accused person being one of them and I do find that the prosecution has established a prime facie case against the accused which calls for his answer thereto.
6. On the balance this court finds that the Accused person has a case to answer and is hereby put on his defence.



**DELIVERED, DATED AND SIGNED AT KISUMU THIS 21<sup>ST</sup> DAY OF DECEMBER, 2023.**

**MWANAISHA. S. SHARIFF**

**JUDGE**

