



**State v Mito (Criminal Case E008 of 2022) [2022] KEHC 10547 (KLR) (31 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 10547 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E008 OF 2022**

**RE ABURILI, J**

**MAY 31, 2022**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**GEOFFREY ODUOR MITO ..... ACCUSED**

**RULING**

1. Upon hearing the Prosecution through Mr. Kakoi Senior Principal Prosecution Counsel and upon reading the Nolle Prosequi dated 31/5/2022 which the defence counsel does not object to, and upon explaining the same to the deceased person's brother, of the decision taken by the Office of the Director of Public Prosecutions in this matter, I hereby allow the Nolle Prosequi dated 31/5/2022 and order that the Information of Murder dated February 28, 2022 against Geoffrey Oduor Mito shall not continue.
2. Accordingly, the accused person herein Geoffrey Oduor Mito is hereby discharged of the Information of Murder, which discharge is not absolute as the Prosecution may charge him afresh with the same offence should they gather sufficient evidence to warrant a fresh charge.
3. Orders accordingly,
4. File closed.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT SIAYA THIS 31ST DAY OF MAY, 2022**

**R.E. ABURILI**

**JUDGE**

