

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL CASE NO. 1 OF 2020

STATE.....PROSECUTION

VERSUS

BRIAN OTIENO OGINGA.....ACCUSED

RULING

1. On application by the Office of Director of Public Prosecutions vide *nolle prosequi* dated 26.1.2021 signed by E.M. Kakoi, Principal Prosecution Counsel Pursuant to Article 157 (4) (b) of the Constitution, and for the reasons given that witnesses have relocated and cannot be traced and as the accused person Brian Otieno Oginga and his Counsel have no objection to such termination of the charges of Murder against him, I hereby Order that the proceedings in this Murder case against the accused person Brian Otieno Oginga shall not continue.

2. Accordingly, the accused person Brian Otieno Oginga is hereby discharged and unless otherwise lawfully held, Brian Otieno Oginga is hereby set at liberty.

3. That the file is closed.

4. Orders accordingly.

Dated, Signed and Delivered at Siaya this 26th day of January, 2021

R.E. ABURILI

JUDGE