

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL CASE NO. 95 OF 2014

REPUBLIC.....STATE

VERSUS

FELIX ODHIAMBO NGESA.....ACCUSED

JUDGMENT

The accused **FELIX ODHIAMBO NGESA** has been charged with the Offence of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE.**

The accused was first arraigned before the High Court in Nakuru on 15th September, 2014. From that date the prosecution failed to avail even a single witness to testify in this case. Several adjournments were granted and on 15th June, 2016 the court granted to the prosecution a last adjournment. Even then no witness was availed.

The prosecution finally closed their case on 17th February, 2017 (three (3) year after the case began) without calling a **single** witness to testify. There was not even an attempt to prove a prima facie case. I find that the accused has no case to answer. I enter a verdict of **'Not Guilty'** and I acquit the accused of this charge of murder. The accused is to be set at liberty forthwith unless he is otherwise lawfully held.

Dated and Delivered in Nakuru this 24th day of February, 2017.

Ms Chemngetich holding brief of Mr. Orege.

Maureen A. Odero

Judge