

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRMINAL CASE NO. 38 OF 2012

REPUBLICPROSECUTOR

VERSUS

JOHN TANUI KIPRONO.....ACCUSED

RULING

The accused **JOHN TANUI KIPRONO** faces a charge of **MURDER CONTRARY TO SECTION 203 as read with SECTION 204 OF THE PENAL CODE**. The particulars of the charge were that

“On the 10th day of May 2012 at Lawina Elburgon in Molo District within Nakuru County murdered GEOFFREY KIPRONO RONO”.

The accused was first charged at the High Court in Nakuru on 22nd May, 2012. There after numerous adjournments were granted to enable the prosecution present their witnesses in court. This never happened. No single witness was ever called to testify in this case. It would appear that the police had the accused charged in court and promptly forgot about the case. For this failure and laxity the blame lies squarely on the OCS Elburgon Police Station from where the case originated. This a travesty of justice and amounts to a violation of the accused rights for the state to keep the case pending for five (5) years, and fail to avail even one single witness in support of the charge.

Finally on 9/3/2017 the court declined to allow the prosecution’s request for an adjournment and the case was closed. Clearly there has not been even a pretence at proving a *prima facie* case. 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 in Nakuru this 18th day of April 2017.

Mr Mwangi for Accused

Mr Motende for state

Maureen A. Odero

Judge