

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL DIVISION

CRIMINAL CASE NO. 22 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

EDWARD OKANGA MALALU.....1ST ACCUSED

MICHAEL MUSANGO.....2ND ACCUSED

R U L I N G

1. Both accused persons have been charged with the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on the 21st day of April, 2013 at Emurembe village within the County of Vihiga the two jointly with others not before court murdered Njomo Ombaka

2. They pleaded not guilty to the said charge and the case proceeded for hearing where the prosecution called six (6) witnesses and thereafter closed their case. I note from the record that the court found that the accused persons had a case to answer on the 10th of October, 2016. When the matter came up for the defence on the 24.1.2017 learned state counsel sought for time to familiarize himself with the case herein and further to produce exhibits in support of the prosecution case.

3. A ruling was made and the prosecution allowed to peruse the file within the shortest time possible and produce exhibits.

4. On the 8.5.2017 the prosecution had no police file nor had they received any exhibits and they sought to take directions before this court.

5. The direction this court gives is that the ruling of 10th of October, 2016 will remain in force since no one has appealed. This matter will proceed for the defence hearing on priority.

It is so ordered

Ruling delivered, dated and signed in open court at Kakamega this **27th day of June 2017**

RUTH N. SITATI

JUDGE

In the presence of;-

.....Mr. Juma(present).....for Republic

.....Miss Mahuni (present).....for accused

.....Polycap.....Court Assistant