



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

HIGH COURT CRIMINAL CASE NO. 47 OF 2015

(CORAM: J. A. MAKAU – J.)

SAMUEL OCHIENG NGADA..... APPELLANT

VERSUS

REPUBLIC RESPONDENT

(Being a part heard murder case No. 33 of 2014 in Kisumu Law Court before Hon. Justice H.K. Chemitei – J.)

RULING

1. The accused is charged with an offence of **Murder Contrary to Section 203 as read with Section 204 of the Penal Code of 63 laws of Kenya**. The particulars of the offence are that on the 1st day of April 2014, at Bar Olengo Trading Centre, in Siaya District, within Siaya County, the accused murdered one Julius Onyango Omollo
2. The prosecution called six (6) prosecution witnesses upon which the defence through Mr. R. Otieno submitted that the accused has no case to answer and based his arguments on the evidence of the six prosecution witnesses.
3. The state through Mr. Ombati submitted the prosecution has established a ***prima facie*** case to warrant the accused being put on his defence.
4. I have very carefully considered the charge and evidence of the six (6) prosecution witnesses and upon giving the evidence due consideration, I have come to the conclusion that the accused has a case to answer. I therefore find that under provisions of **Section 306 (2) of the Criminal Procedure code** that the accused has a case to answer and is accordingly put on his defence.

DATED AT SIAYA THIS 24TH DAY OF MARCH, 2016.

J. A. MAKAU

JUDGE

DELIVERED IN OPEN COURT THIS 24TH DAY OF MARCH, 2016.

In the presence of:

Mr. Otieno for Accused

Mr. Ombati for State

Court Clerk – Kevin Odhiambo

Court Clerk – Mohammed Akideh

J. A. MAKAU

JUDGE