



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**HIGH COURT CRIMINAL CASE NO.38 OF 2012**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**EVERLYNE ISALAMB .....RESPONDENT**

**RULING**

1. **Everlyne Isalamba**, (the accused) has been arraigned before this court on the information of murder contrary to **section 203** as read with **section 204** of the Penal Code. Particulars are that on the 25<sup>th</sup> September, 2012 at around 13 hours at Otiende estate, Township Sub-location, Bukhungu Location in Kakamega Central District of Western Province, murdered **Geoffrey Odhiambo Oduor**. The accused pleaded not guilty to the information and after a trial in which the prosecution called 6 witnesses this court has been called upon to rule whether the accused should be put on her defence.

2. I have considered the evidence of PW2, who explained what had happened and also that of PW2 and PW3. Their evidence places the accused at the scene. The evidence of PW6, the investigating officer and the one who arrested the accused has also been considered. The injuries sustained by the deceased as told by the witnesses are consistent with the post-mortem report and evidence of PW1 the pathologist. I have at the same time considered the evidence of PW5 who also says she was present at the time of incident.

3. From the above evidence, I find that there is sufficient evidence to put the accused on her defence. Consequently, I put the accused on her defence to explain and defend herself.

**Dated and delivered at Kakamega this 29<sup>th</sup> day of July, 2016.**

**E.C. MWITA**

**JUDGE**