

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI (MILIMANI LAW COURTS)

Criminal Case 83 of 2009

REPUBLIC..... PROSECUTOR

VERSUS

FRED ONYANGO ORIMBA.....ACCUSED

RULING

The accused, **FRED ONYANGO ORIMBA**, was charged with the offence of murder **contrary to section 203 as read with section 204 of the Penal Code**. He is alleged to have committed the offence on the night of 3rd/4th September 2008, at Ngomongo slums within Nairobi East District.

By the close of the prosecution case, a total of eight (8) witnesses had testified.

The person alleged to have been murdered by the accused is named **ANN ACHIENG GOR**. The doctor who conducted the post-mortem examination on the body of the said **ANN ACHIENG GOR** confirmed that she was dead. He also testified that the cause of death was bleeding due to incomplete abortion.

The body of the deceased was recovered from the clinic run by the accused.

The circumstances in which the deceased met her death appear, on a prima facie basis, to have been unlawful.

It would appear that before the deceased visited the clinic run by the accused, she appeared to be well. Although, of course, the question that would arise is why she would have needed to visit a doctor's clinic if she was not unwell.

It also appears that the accused had neither a licence to operate the clinic nor the academic qualifications of a doctor. However, the accused had equipment that are ordinarily utilized by qualified medical practitioners in the course of their duties of providing health care to patients.

Having evaluated all the evidence already adduced, I am satisfied that the evidence demonstrates a prima facie case against the accused. I so find because if the accused fails to provide the court with a reasonable explanation about how the deceased met her death in his clinic, he may be held criminally culpable. He therefore has a case to answer.

Dated, Signed and Delivered at Nairobi, this 30th day of July, 2012.

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FRED A. OCHIENG

JUDGE