

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Criminal Case 43 of 2005

REPUBLIC.....PROSECUTOR

V E R S U S

ANTHERIM ANGOTE.....ACCUSED

R U L I N G

The accused is charged with murder contrary to **section 203** of the Penal Code as read with **section 204** of the same code. The particulars of the offence are that on the 30th day of October, 2005 at Lurambi Sichirai sub-location, in Kakamega District within Western Province, the accused, **ANTHERIM ANGOTE**, murdered **ROSELINE WESA**.

The accused was arraigned before this court on 29th December, 2005. Plea was taken on 16th January, 2006. The matter was listed for hearing on several occasions when the prosecution failed to produce any witness. The prosecution applied for the last adjournment on 8th September, 2009 and closed its case without calling any witness on 3rd December, 2009.

Since no evidence was adduced against the accused, I find that the prosecution has failed to prove its case against him. The accused is hereby acquitted under section 306 of the Criminal Procedure Code and shall be set at liberty unless otherwise lawfully held.

SAID J. CHITEMBWE

J U D G E

Delivered, dated and counter-signed by the Hon. Justice Isaac Lenaola at Kakamega this 10th day of March, 2010

ISAAC LENAOLA

J U D G E