

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
OF KISII

Criminal Appeal 26 of 2002

STATE PROSECUTOR

VERSUS

PETER OLIECH OLUOCH ACCUSED

RULING

Accused PETER OLIECH OLUOCH it was charged with offence of Murder contrary to S.203 as read with S.204 Penal Code in that on 2nd July 2001 at Makinya Kanyago Sub Location in Homa Bay District, jointly with others not before the court murdered AGNES OWINO OLUM.

After numerous adjournments sought by the prosecution to call witnesses the state counsel eventually closed the prosecution case without calling any witnesses.

There is therefore no evidence on record. The accused when he appeared in court pleaded not guilty to the information and the particulars read to him. He continues to so deny. No evidence was called to support the particulars in the information .

I therefore find accused not guilty and acquits him under S.306(a) C.P.C.

Dated 25th October 2005.

KABURU BAUNI

JUDGE

cc. Mobisa

Mr. Chirchir for state

Accused present.