

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII
CRIMINAL CASE NO.47 OF 2002

STATE PROSECUTOR
V
PAMELLA ANYANGO ACCUSED

RULING

The accused PAMELLA ANYANGO GAYA was charged with murder c/s 203 as read with s.204 of Penal Code. It was alleged that on 24th May 2001 at Obaria Beach, Rachuonyo District she murdered GEORGE GAYA AYUCHA.

The prosecution called only one witness – SAMSON AGWA JECONIA (PW2) who was then area assistant chief. He told court that on the morning of 25/5/01 at 9.30 a.m. he was informed that the deceased had hanged himself. He went and found him hanging. There was a stab wound. He then reported to police.

Apart from the evidence of the said witness no other witness was called and prosecution closed its case. Clearly the evidence is not sufficient to warrant court ask accused to defend herself. PW2 did not connect her with the murder. Nobody said she murdered the deceased. Even medical evidence was not called to confirm the cause of death of the deceased.

In the circumstances I make a finding of not guilty and acquit the accused person.

It is so ordered.

Delivered on 4th October 2004 at Kisii.

KABURU BAUNIJUDGE.
4/10/04