



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Oduor (Criminal Case E039 of 2023)
[2025] KEHC 1837 (KLR) (25 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1837 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E039 OF 2023**

DK KEMEL, J

FEBRUARY 25, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

KEVIN ODUOR ACCUSED

RULING

1. The accused herein Kevin Oduor has been charged with an offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence are that on the 2nd day of November, 2023 at Muhoho village, Yala Township Location within Gen Sub Location within Siaya County murdered Julia Onyiera Odera.
2. The prosecution called six witnesses in support of its case. The prosecution's case is that the deceased who was an octogenarian had been a land lady on a plot within Muhoho area of Yala township, disappeared on 27/10/2023. Prior to her disappearance, she had had some disagreements with her tenants over the need for a new toilet as the ones in use were already filled. The accused herein was one of the tenants and who had disagreed with her as well. The deceased was later found having been dumped inside a disused pit within the compound and she appeared to have been seriously injured. She was rushed to Yala Sub-County hospital but passed on. Investigations were conducted. The accused herein apparently disappeared from the plot around the time the deceased went missing. The rest of the tenants started pointing fingers at him and that members of public went in search of him. He was finally nabbed by members of public who administered mob justice before police came to his rescue. The accused's room was broken into and a blood-stained jacket was recovered and taken for DNA analysis. The accused was later charged with this offence.
3. At this stage of the proceedings, the prosecution is under a duty to establish a prima facie case against the accused so as to require him to be called upon to make a defence. A prima facie case is one in which a



reasonable tribunal directing its mind to the law and evidence placed before it could convict an accused if no evidence is offered by the defence to the contrary. See *Bhatt VS. R* [1957] EA 332.

4. An analysis of the evidence so far tendered by the six prosecution witnesses leads me to come to the conclusion that the accused has been placed at the scene of crime and must now offer an explanation as to how the deceased met her death. I find a prima facie case has been made out by the prosecution to require the accused to be called upon to make a defence.
5. In the result, it is my finding that the accused herein Kevin Oduor has a case to answer and is now called upon to elect to conduct his defence in accordance with the provisions of Section 306 (2) of the [Criminal Procedure Code](#).

DATED AND DELIVERED AT SIAYA THIS 25TH DAY OF FEBRUARY, 2025.

D. KEMEI

JUDGE

In the presence of:

Kevin Oduor.....Accused

Odhiambo.....for Accused

Soita.....for Prosecution

Ogendo.....Court Assistant

