



**Republic v Oduor & another (Criminal Case (Murder)
E029 of 2024) [2025] KEHC 10362 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10362 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE (MURDER) E029 OF 2024**

DK KEMEL, J

JULY 18, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

KENNEDY ODUOR ALIAS WORIA 1ST ACCUSED

ERICK ODHIAMBO OUMA 2ND ACCUSED

RULING

1. The accused herein Kennedy Oduor Owuor alias Woriam and Erick Odhiambo Ouma have 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 22nd day of May, 2024 at around 0100 hrs in Nyakongo village, North Alego Location in Siaya Sub County, within Siaya County unlawfully murdered Dalton Odhiambo Angor.
2. The prosecution called a total of six witnesses in support of its case.
2. The prosecution’s case is that on the material date, the deceased sneaked out of his house to go and attend a certain funeral vigil at a nearby home and where there was some disco dance and while there, he was accosted by the two accused herein and who assaulted him with pangas. That the deceased tried to rush to his home and met his mother on the way and informed her that he had been assaulted by the two accused persons herein. The mother (PW1), brother (PW2) and sister (PW3) rushed him to hospital for treatment but he later passed on. An autopsy was conducted on 4th May 2024 by Dr. Erick Okong’o (PW5) who formed the opinion that the cause of death was severe head injury and who produced the autopsy report as an exhibit. The accused was later arrested by No. 256775 PC Langat Dominic (PW6) and who later preferred the present charges.
2. At the close of the prosecution’s case, learned counsels for the parties opted not to tender submissions on a case to answer and relied on the evidence already presented.



2. At this stage of the proceedings, the prosecution is under a duty to establish a prima facie case against the accused persons so as to warrant them make a defence. A prima facie case is one in which a reasonable tribunal directing its mind to the law and evidence can convict an accused if no evidence is tendered by the defence to the contrary. What this means is that the evidence that has been presented should be sufficient to sustain a conviction against the accused person were they to elect to remain silent in defence. See *Bhatt Vs. Republic* (1957) EA 332.
2. After analyzing the evidence of the prosecution's witnesses, it is clear that the evidence of PW1, PW2, PW3 and PW6 placed the accused persons at the scene of crime. The accused persons are said to have quarreled with the deceased at the funeral vigil venue and that they attacked him with pangas as the deceased tried to run to his home. The deceased informed his mother, brother and sister that the two accused persons had attacked him at a funeral vigil. The three rushed him to hospital but he later died of his injuries. Irate members of public sought for the accused persons over the killing of the deceased and that the 1st accused herein on sensing that his life was in danger, sought refuge at Siaya Police Station where he was arrested and booked in the cells. The 2nd accused was later arrested in August 2024 when he returned back to the village after being in hiding. The accused persons having been placed at the scene of crime must now offer an explanation as to how the deceased met his death.
2. In view of the foregoing observations, it is my finding that the prosecution has established a prima facie case against the accused herein to warrant him to be called upon to make a defence. Consequently, I find Kennedy Oduor Owuor alias Woriam and Erick Odhiambo Ouma have a case to answer. They are now called upon to elect to conduct their defence in accordance with the provisions of Section 306 (2) of the [Criminal Procedure Code](#).

DATED AND DELIVERED AT SIAYA THIS 18TH DAY OF JULY 2025.

D. KEMEI

JUDGE

In the presence of:

Kennedy Oduor alias Woriam.....1st Accused

Erick Odhiambo Ouma.....2nd Accused

Ochanyo.....for 1st Accused

Oduol.....for 2nd Accused

M/s Kerubo.....for Respondent

Okumu.....Court Assistant

