



**Republic v Ogema (Criminal Case E008 of 2024)  
[2025] KEHC 10541 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10541 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL CASE E008 OF 2024  
WM MUSYOKA, J  
JULY 18, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**DOUGLAS OGEMA ..... ACCUSED**

**RULING**

1. The accused person faces a charge of murder, contrary to section 203, as read with section 204, of the *Penal Code*, Cap 63, Laws of Kenya. He is alleged to have murdered his wife Lydia Ajelo Ogema alias Sherry Rudia.
2. The prosecution presented 5 witnesses. 3 civilians, 2 public officers. None of the civilian witnesses were present when the deceased was fatally injured. They testified to have been informed that it was the accused who did it. The 2 public officers were not at the scene when it happened. One was the investigating officer; the other was the doctor who conducted the post-mortem on the body of the deceased.
3. No evidence was presented, which placed the accused and the deceased at the same space, and of the accused causing the fatal injuries on the deceased. None of the witnesses saw them together at the material time. None of them saw the accused leave the scene where the deceased was found injured.
4. The 3 civilian witnesses gave hearsay evidence; about what they were told by others. Yet, those others, who, perhaps, were present when it happened, were not called as witnesses to place the accused at the scene. None of the evidence tendered laid a basis for consideration of a case founded on circumstantial evidence.
5. As it is, no prima facie case has been established, which would require me to place the accused on his defence, so that he can explain himself.



6. Accordingly, I acquit him, under section 306 of the *Criminal Procedure Code*, Cap 75, Laws of Kenya, of the murder that he is alleged to have committed. He shall be set free from remand custody, unless he is otherwise lawfully held.

**DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, ON THIS 18<sup>TH</sup> DAY OF JULY 2025.**

**WM MUSYOKA**

**JUDGE**

**Mr. Arthur Etyang, Court Assistant.**

Advocates

Mr. Antony Onanda, instructed by the Director of Public Prosecutions, for the Republic.

Ms. Waswani, instructed by Laki WI & Company Advocates for the accused person.

