



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Omukaga (Criminal Case E004 of 2025)
[2025] KEHC 10542 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10542 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E004 OF 2025
WM MUSYOKA, J
JULY 18, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

STEPHEN EGESA OMUKAGA ACCUSED

RULING

1. I had the benefit of seeing and hearing the witnesses testify in this matter.
2. Only 1 eyewitness testified. His case was that the accused did not inflict the killer blow, and that he was not among those who physically assaulted the deceased, but he was said to have been in the vicinity. The other crucial witness gave a background, which pointed to a disagreement between the accused and the deceased, at a liquor joint. The accused walked away to avoid trouble, but the deceased followed him to his home, and assaulted him, whereupon the accused and his sons raided the home of the deceased, when the fatal assault happened.
3. The accused was placed at the scene. Although not actively attacking the deceased, he was said to have been with those who assaulted the deceased. The dispute, which provoked the entire fracas, was between the accused and the deceased, and those who hurt the deceased, who are still at large, were the said to be the sons of the accused, who went to the scene in the company of the accused, allegedly in retaliation.
4. I find that a prima facie case has been established against the accused. The accused should explain himself. I hereby put him on his defence. The defence shall be conducted on 8th October 2025.

DELIVERED, DATED AND SIGNED, IN OPEN COURT, AT BUSIA, ON THIS 18TH 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. DK Nabulindo, Advocate for the accused person.

