



**Republic v Ooro (Criminal Case E020 of 2024)
[2025] KEHC 10531 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10531 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL CASE E020 OF 2024**

**DK KEMEL, J
JULY 18, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

WILSON ADUOR OORO ACCUSED

RULING

1. The accused herein Wilson Aduor Ooro 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 30th day of July 2023 at Nyandusi village, Kapiyo Sub Location, South West Sakwa Location Bondo Sub County within Siaya County, jointly with others not before court murdered one Mary Adhiambo Okoth.
2. The prosecution called a total of eleven witnesses in support of its case.
2. The prosecution’s case is that on the material date, the deceased herein who was an octogenarian and who lived alone failed to wake up and go to church. Her relatives got concerned when they found the door locked from outside. Later, her relatives peeped through the window and saw the body of the deceased lying on her bed. The Area Chief was called and who in turn alerted the police. The police later managed to gain entry and reached where the body was and that the body was removed and taken to the mortuary. Investigations commenced which zeroed in on the accused herein who used to live with the deceased on and off and that the accused had disappeared from the area after the incident but he was later smoked out from Mombasa and later charged. An autopsy was later conducted on the body of the deceased by Dr. Daniel Wanjovu Juma (PW9) who formed the opinion that the cause of death was cardio respiratory failure secondary to asphyxiation and head injury. After investigations No. 239564 IP Silas Mutua (PW10) charged the accused with the present offence.



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 person so as to warrant him 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 he 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, PW6 and PW7 placed the accused persons at the scene of crime. The accused had been living with the deceased as he was her grandson and that he disappeared the same day the deceased died and went to hide in Mombasa until he was traced and arrested. The accused being the last person to have been with the deceased and having been placed at the scene of crime, he must now offer an explanation as to how the deceased met her death.
3. 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 Wilson Aduor Ooro has a case to answer. He 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 18TH DAY OF JULY 2025.

D. KEMEI

JUDGE

In the presence of:

Wilson Oduor Ooro..... Accused

Odhiambo..... for Accused

M/s Kerubo..... for Respondent

Okumu..... Court Assistant

