



REPUBLIC OF KENYA



**Republic v Onyango & 2 others (Criminal Case 5 of 2020)
[2024] KEHC 231 (KLR) (23 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 231 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE 5 OF 2020
RE ABURILI, J
JANUARY 23, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

STEPHEN OTIENO ONYANGO 1ST ACCUSED

PETER OCHIENG ALIAS SAMUEL OTIENO ONYANGO 2ND ACCUSED

DANIEL JUMA OOKO 3RD ACCUSED

RULING

1. The complainant victim is deceased as per the information dated 6th March 2020, and there are no witnesses bonded to attend court.
2. I allow the application by the Prosecution to withdraw the charge of murder under Section 87(a) of the *Criminal Procedure Code* and discharge all the three accused persons herein who, unless lawfully held, Stephen Otieno Onyango, Peter Ochieng alias Samuel Otieno Onyango and Daniel Juma Ooko are hereby discharged and set at liberty forthwith.
3. The three accused persons are however notified that the prosecution may charge them afresh with the same offence.
4. This file is closed.
5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 23RD DAY OF JANUARY, 2024**

R. E. ABURILI

JUDGE

