



**Director of Public Prosecutions v Kilemi (Criminal Case 88 of 2019) [2024] KEHC 6234 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6234 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL CASE 88 OF 2019  
TW CHERERE, J  
MAY 16, 2024**

**BETWEEN**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... PROSECUTOR**

**AND**

**SAMSON KILEMI ..... ACCUSED**

**RULING**

1. Samson Kilemi (Accused) was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code* in that he murdered one Stella Kabirithu Jacob on 17<sup>th</sup> October, 2029 Accused denied committing the offence.
2. Accused was arraigned before the court on 22<sup>nd</sup> November, 2019. For close to 5 years since Accused was charged, no witness has been availed to testify against him.
3. This matter was listed for hearing on the 14<sup>th</sup> and 15<sup>th</sup> May, 2024. On both occasions, not a single witness appeared and there was no evidence that any effort had been made to bond them.
4. Justice delayed is justice denied and prosecution not having availed any witness, the court has no option than to find that it has lost interest in the case.
5. There being no evidence against Accused, he is found not guilty of murder under the provisions of Section 306(1) of the *Criminal Procedure Code* Cap 75 Laws of Kenya.
6. Accused shall be set at liberty unless otherwise lawfully held.

**DELIVERED AT MERU THIS 16<sup>th</sup> DAY OF May 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances



Court Assistants - Kinoti/Munene

Accused - Present

For the Accused - Ms. Nelima Advocate

For DPP - Ms. Rita Rotich (PC 1)

