



**State v Odiyo (Criminal Case E009 of 2023) [2024] KEHC 5196 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5196 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E009 OF 2023  
DO OGEMBO, J  
MAY 16, 2024**

**BETWEEN**

**STATE ..... PROSECUTION**

**AND**

**JOHN OTIENO ODIYO ..... ACCUSED**

**RULING**

1. I have considered the evidence of the four prosecution witnesses herein. Neither the prosecution nor the defence have made submissions on whether a *prima facie* case has been established against the accused. Guided by the authority in *Bhatt -VS- R*, (1957) EA 332, I am convinced that a prima facie case has been established against the accused. I accordingly find that the accused has a case to answer and I put him on his own defence.

**DATED, SIGNED AND DELIVERED THIS 16<sup>TH</sup> DAY OF MAY, 2024**

**D. O OGEMBO**

**JUDGE**

16/5/2024

Court

Read out in Court in presence of Accused, Mr. Ooro F. for accused and Ms. Kerubo for the State.

**D. O OGEMBO**

**JUDGE**

16/5/2024

Court

Date for defence to be given. Defence hearing on 1/7/2024.



**D. O OGEMBO**

**JUDGE**

**16/5/2024**

