



**Republic (DPP) v Alombe (Criminal Case 74 of 2018)
[2023] KEHC 17894 (KLR) (12 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17894 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 74 OF 2018**

**PJO OTIENO, J
MAY 12, 2023**

BETWEEN

REPUBLIC (DPP) PROSECUTOR

AND

EVANS JOSEPH ALOMBE ACCUSED

RULING

1. Having perused the evidence recorded from the six (6) prosecution witnesses, it is determined that the Accused was properly placed at the scene of the crime and demonstrated to have used a firearm against the deceased. That evidence creates a rebuttable presumption that the Accused caused the death of the deceased and he thus needs to say something towards the rebuttal of that presumption.
2. The Court determines that he has a case to answer and places him on his defence.
3. Defence hearing on October 11, 2023.

DATED, SIGNED AND DELIVERED IN KAKAMEGA THIS 12TH DAY OF MAY 2023.

PATRICK J. O. OTIENO

JUDGE

In the presence of:

..... for the Prosecution/State

..... for the Accused

Court Assistant: Polycap

