



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Onyango (Criminal Case E019 of 2023)  
[2024] KEHC 14321 (KLR) (11 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14321 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE E019 OF 2023  
RE ABURILI, J  
NOVEMBER 11, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**MAUREEN AKOTH ONYANGO ..... ACCUSED**

**RULING**

1. The accused person herein is Maureen Akoth Onyango. She is charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. Particulars of the offence as per information dated 24<sup>th</sup> July 2023 are that on the 2<sup>nd</sup> day of July 2023 at Katito Township area in Nyakach Sub-county within Kisumu County, the accused murdered Kennedy Onyango Olonde.
3. The accused took plea of Not Guilty after being examined by a psychiatrist and being found fit to stand trial.
4. The prosecution has called 11 witnesses who testified in a bid to establish a prima facie case against the accused person and now the question is whether a prima facie case has been established against the accused to warrant her to be placed on her defence.
5. The defence counsel Mr. Okello submitted that the prosecution had not proved its case against the accused person beyond reasonable doubt. That there are contradictions in the evidence adduced by PW 2 the arresting officer who could not describe the knife allegedly recovered from the accused as a murder weapon and PW 3.
6. That PW 3 stated that the knife was brown in cross-examination. That PW 6 disowned the statement written on 25<sup>th</sup> July 2023 while PW 4 was giving hearsay evidence as he did not see the event take place or visit the scene of the alleged murder.



7. Counsel urged the court to find the accused to have no case to answer and acquit her. The prosecution counsel did not submit.
8. I have considered the evidence of the 11 prosecution witnesses, the exhibits produced and the oral submissions by the defence counsel on no case to answer.
9. The burden of proof lies on the prosecution to prove its case against the accused person beyond reasonable doubt. However, at this stage, what is required is to establish a prima facie case.
10. What is a prima facie case? A prima facie case in criminal case is defined as.....
11. In the instance case, considering the evidence adduced as a whole, and without delving deep into the merits thereof, I am satisfied that a prima facie case has been established against the accused person to warrant her to be placed on her defence.
12. Accordingly, Maureen Akoth Onyango is found with a case to answer and is placed on her defence.
13. The provisions of Article 50 (2) (i) (k) (l) of the Constitution as read with Section 306 (2) of the Criminal Procedure Code are read out and explained to the accused in the presence of her advocate Mr. Okello.
14. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 11<sup>TH</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

