



**Republic v Otohe alias Omundu & 4 others (Criminal Case  
10 of 2020) [2024] KEHC 13567 (KLR) (6 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13567 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL CASE 10 OF 2020  
RE ABURILI, J  
NOVEMBER 6, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**GEORGE OLWANDA OTOBE ALIAS OMUNDU ..... 1<sup>ST</sup> ACCUSED**

**LAWRENCE OMONDI OWINO ALIAS OBUNGA ..... 2<sup>ND</sup> ACCUSED**

**JERIM OTIENO OJODE ALIAS JEDE ..... 3<sup>RD</sup> ACCUSED**

**STEPHEN ONYANGO ODHIAMBO ALIAS STEVE ..... 4<sup>TH</sup> ACCUSED**

**WYCLIFFE ODUOR OUMA ALIAS WICKIE ..... 5<sup>TH</sup> ACCUSED**

**RULING**

1. On application Under Article 157 of the *Constitution* by the prosecution to discontinue the charges of murder against all the accused persons herein on account of non availability of witnesses to testify, and on no objection from the accused persons through their advocate Mr. Mbeka, I hereby order that the charges of murder contrary to Section 203 as read with Section 204 of the Penal code against the five (5) accused persons namely; George Olwanda Otohe alias Omundu, Lawrence Omondi Owino alias Obunga, Jerim Otieno Ojode alias Jede, Stephen Onyango Odhiambo alias Steve and Wycliffe Oduor Ouma alias Wickie as per the consolidated information dated 7<sup>th</sup> September 2020 shall not continue and all the accused persons are hereby discharged of the information of the murder of Johness Alele Omondi and Alex Njer Osewe as per counts I and II of the information dated 7<sup>th</sup> September 2020 and filed in court on 22<sup>nd</sup> September 2020.
2. Consequently, all the 5 accused persons are hereby discharged and unless otherwise lawfully held, they are set at liberty forthwith.



3. The defence counsel Mr. Mbeka is hereby discharged from these pauper brief proceedings, from representing the accused persons. He shall be paid his legal fees upon presentation of the fee note plus the accompanying documents.
4. The sureties for the 4 accused persons who are on bond are discharged and the securities deposited into court to be returned to them forthwith.
5. This file is closed.
6. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 6<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**R. E. ABURILI**

**JUDGE**

