



**Republic v Otieno (Criminal Case E005 of 2024)
[2024] KEHC 13892 (KLR) (6 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13892 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E005 OF 2024
RE ABURILI, J
NOVEMBER 6, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

WICKLIFE OLUOCH OTIENO ACCUSED

RULING

1. The court is ready to hear the case where only 2 witnesses are remaining to testify. These are the Investigating Officer and the Government Analyst. The court granted the prosecution a last adjournment. However, the prosecution seeks for another date as the Government Analyst report is not ready owing to lack of analytical reagents occasioned by lack of funding.
2. The defence does not oppose the application. However, courts cannot wait for Government Analyst Reports which will never be produced for reasons of funding. The agencies involved in the Criminal Justice System must work together to ensure equality of treatment for all persons and that justice must be done to all irrespective of status and that justice shall not be delayed. This is the spirit and letter of Article 159 of the Constitution.
3. It is not lost to this court and I have observed that often times, when certain persons of higher status in our society die from suspected murder, reports from the Government Chemist are released very fast unlike when people of low social standing whose reports must wait forever.
4. That is where discrimination starts and ends, in total breach of Article 27 of the Constitution, as the differential treatment tends to treat other deaths to be more hurting than others.
5. We all destined to die by different means but going the same direction and being swallowed by mother nature, earth, irrespective of our respective stati in this society. Let those who treat high profile and status in society to be more honourable than others, in death, stop. Let all deaths by unlawful means be treated alike and equality in assignment of resources for investigations be done. Lest the wrath of



God befall those perceived to be rich by the worldly standards when they die and they cannot enter heaven because, it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God.

6. Having said that, I shall adjourn this case in the interest of justice for the deceased and his family but direct the in-charge, Government Chemist, Kisumu to appear in court on 20th November 2024 to explain the delay and when the Government Analyst report shall be expected to be ready.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF NOVEMBER, 2024.

R. E. ABURILI

JUDGE

