



**Republic v Omukhuba & 3 others (Criminal Case 14 of 2018)
[2024] KEHC 15860 (KLR) (4 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15860 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL CASE 14 OF 2018
AC BETT, J
DECEMBER 4, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

FRANCIS MAENDE OMUKHUBA ALIAS TIMO 1ST ACCUSED

CANARY OSALE ALIAS SULU 2ND ACCUSED

HARRON ANAMINYI 3RD ACCUSED

MOSES MWINAMI OTIENDE ALIAS MOSEE 4TH ACCUSED

RULING

1. I have considered the evidence adduced by the Prosecution. Several witnesses place Accused 1, 3 and 4 at the scene where the deceased Stephen Okwomi Ashibende was beaten and tied to a motor cycle before being dragged away. He was subsequently found dead.
2. No evidence whatsoever was led in respect to the circumstances that led to the death of Thomas Obulinji Okwach Alias Abel.
3. Additionally, none of the witnesses connected Accused 2 to the killing of Stephen Okwomi Ashibende as none of them placed him at the scene of the beating or identified him as among the boda boda riders that mounted the attack that led to the loss of the life of Stephen Okwomi Ashibende.
4. For the aforesaid reasons, I find that there is insufficient evidence to place the Accused persons on their defence with respect to Count I and accordingly acquit them.
5. In respect to Count II, there is a prima facie case against Accused 1, 3 and 4. I therefore find that Accused 1, 3 and 4 have a case to answer and place them on their defence.



6. As for Accused 2, for the reasons earlier stated, he is acquitted of the charges in Count II also. The Court therefore orders that Accused 2 be released forthwith unless otherwise lawfully held.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 4TH DAY OF DECEMBER 2024.

A. C. BETT

JUDGE

In the presence of:-

Ms. Chala for the Prosecution

Ms. Wanyonyi for the Accused

Court Assistant: Polycap

