



REPUBLIC OF KENYA



**Republic v Obudo (Criminal Case E024 of 2021)
[2024] KEHC 15206 (KLR) (3 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15206 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E024 OF 2021
RE ABURILI, J
DECEMBER 3, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

PETERLIS OPIYO OBUDO ACCUSED

RULING

1. The accused person Peterlis Opiyo Obudo is charged with the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#).
2. Particulars of the information dated 10th August 2021 are that on 24th day of July 2021 at Amilo village, Kabar East Sub location, North East Kano Location, in Muhoroni Sub-county, within Kisumu County, the accused person murdered George Owino Otiu.
3. The accused person took plea on 2nd September 2021 before F. Amin J, recess duty Judge at Kakamega denying the charge.
4. The prosecution have called 8 witnesses who have testified in support of its case against the accused and closed its case on 26th November 2024.
5. The question is whether a prima facie case has been established to warrant the court placing the accused person.
6. Having considered the evidence of the 8 prosecution witnesses and without delving deep into the merits of what each of the witnesses stated on oath, I am satisfied that a *prima facie* case has been established to warrant the accused to be placed on his defence.
7. Accordingly, the accused person Peterlis Opiyo Obudo is hereby found with a case to answer and is placed on his defence.



8. The provisions of Article 50(2) (i,k,l) of the *Constitution* as read with Section 306(2) of the Criminal Procedure Code are hereby explained to the accused person in the presence of his counsel.
9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF DECEMBER, 2024

R. E. ABURILI

JUDGE

