



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

[Coram: A. C. Mrima, J.]

CRIMINAL CASE NO. 1 OF 2017

(Consolidated with Criminal Case No. 3 of 2018)

REPUBLIC.....PROSECUTOR

-VERSUS-

1. BRIAN OKOMBO ODENYO

2. BERNARD OTIENO SINOGO

3. SILAS ORWA AWITI

4. ERNEST ODHIAMBO OKEYO

5. RACHEL VELLE Y ODHIAMBO

6. KEFA OTIENO

7. KELVIN OTIENO AWIDHI

8. LILIAN OBONYO AKINYI.....ACCUSED

RULING

1. The accused persons herein were jointly charged on 09/01/2017 with the murder of one **Merese Aketch**. The accused persons denied the charge and a trial was held.

2. The 1st, 4th and 8th accused persons died as the trial was on. The trial proceeded on with the remaining 5 accused persons. The prosecution called 13 witnesses.

3. This Court has patiently considered the evidence on record. I am satisfied that the prosecution has established a *prima facie* case against each of the 5 accused persons to warrant them be placed on their defenses. For avoidance of doubt, the 5 accused persons are **Benard Onyango Sinogo, Silas Orwa Awiti, Rachel Velley Odhiambo, Kefa Otieno and Kelvin Otieno Awidhi**.

4. Consequently, the accused persons herein are hereby placed on their defenses. **Section 306(2)** of the **Criminal Procedure Code**, Chapter 75 of the Laws of Kenya is hereby complied with.

DELIVERED, DATED and SIGNED at MIGORI this 22nd day of May, 2020.

A. C. MRIMA

JUDGE

Ruling delivered in open Court and in the presence of: -

Mr. Kisia Counsel for the 2nd and 6th accused persons.

Mr. Gembe Counsel for the 5th accused person.

Silas Orwa Awiti (3rd accused person) and Kelvin Otieno Awidhi (7th accused person) appearing in person.

Mr. Kimanthi, Learned Senior Principal Prosecution Counsel instructed by the Office of the Director of Public Prosecutions for the State.

Evelyne Nyauke – Court Assistant