

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

HCCRC NO. 9 OF 2017

PROSECUTOR.....REPUBLIC

VERSUS

BENARD ONYANGO OGANGO *Alias* "BOSS".....ACCUSED

RULING

The accused, **BENARD ONYANGO OGANGO *Alias* BOSS**, was charged with the offence of **Murder** contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

1. The particulars of the offence were that on the 21st March 2017, at Tura Sub-location, Kakola Location, Nyando Sub-County, jointly with another person who is not before court, they murdered **JAMES WILLIAM GOR**.

2. At the trial the prosecution called eight witnesses.

3. Having given due consideration to the evidence on record,

I am satisfied that the prosecution has, on a prima facie basis, shown that the accused was linked to the assault upon the deceased, which led to his death.

4. It does appear that there were at least 3 eye-witnesses who saw what transpired.

5. In the circumstances, I find that if the accused fails to give a reasonable account, to respond to the evidence already tendered, the court would probably convict him.

6. In other words, I find that the accused has a case to answer, and he is thus put to his defence.

DATED, SIGNED and DELIVERED at KISUMU This 6th day of May 2020

FRED A. OCHIENG

JUDGE