



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MIGORI**

**CRIMINAL CASE NO. 7 OF 2016**

**REPUBLIC.....PROSECUTOR**

**-VERSUS-**

**PAUL OSWAGO ONJE**

**ABERN MBIJA AGUMBA**

**JARED OTIENO MBIJA**

**WILLIAM OKUMU ORONDO.....ACCUSED**

**RULING**

1. On 23/02/2016 the accused persons herein were jointly charged with the murder of one **Shem Shefa Ongache**.
2. The accused persons denied the charge and a trial was held. The prosecution called 13 witnesses.
3. At the close of the prosecution's case Counsel for the First and Second Accused persons Mr. Omollo filed written submissions. He contended that there was no sufficient evidence to warrant the first and second accused persons be placed on their defences. He referred to several decisions which I have carefully read.
4. 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 accused person to warrant them be placed on their defenses.
5. 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 4<sup>th</sup> day of April 2019.**

**A. C. MRIMA**

**JUDGE**

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

**Mr. Omollo** Counsel for the First and Second Accused persons.

**Mr. Ojala** Counsel for the Third and Fourth Accused persons

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

**Evelyne Nyauke** – Court Assistant.