



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**HCCRC NO. 6 OF 2018**

**PROSECUTOR.....REPUBLIC**

**VERSUS**

**SILAS JUMA ODHIAMBO.....1<sup>ST</sup> ACCUSED**

**STEPHEN OMONDI JUMA.....2<sup>ND</sup> ACCUSED**

**JACKTON OKOTH JUMA.....3<sup>RD</sup> ACCUSED**

**RULING**

The three accused persons, namely **SILAS JUMA ODHIAMBO**, **STEPHEN OMONDI JUMA** and **JACKTON OKOTH JUMA**, were charged with the offence of **Murder** Contrary to **Section 203** as read with **Section 204** of the **Penal Code**.

1. The prosecution have called six witnesses.
2. The evidence on record proves that **SOLOMON ODHIAMBO MUGA** is deceased.
3. The cause of death was said to be massive hemothorax due to blunt force trauma which was visited upon the victim, when he was assaulted.
4. The body had skin pressure sores on the back, lacerations on the left gluteal region; obvious mid-shaft Tib/Fib deformity; 4 fractured ribs on the right side; and 4 fractured ribs on the left side.
5. The injuries which led to the death of the deceased appear to be consistent with what the prosecution witnesses said that they had seen the accused persons doing to the deceased.
6. In the circumstances, if the accused persons fail to offer explanations which could exonerate them from culpability, I find that the evidence on record could lead to a conviction.
7. I therefore find that each of the three (3) accused persons have a case to answer.

**DATED, SIGNED and DELIVERED at KISUMU This 20<sup>th</sup> day of November 2019**

**FRED A. OCHIENG**

**JUDGE**