

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 78 OF 2013

REPUBLIC.....PROSECUTOR

VERSUS

PETER KASAINI MOSIRO.....ACCUSED

JUDGMENT

The accused, PETER KASAINI MOSIRO, was charged with the murder of WILSON TANKOI which took place on 29th December 2010 at Isampin Village, Enosaen Location, Transmara West District of Narok County. Since the accused was charged in 2013, this matter has not proceeded for lack of witnesses. I have not seen any serious effort on the part of the prosecution to locate the witnesses. Today, when the matter came up for hearing and an adjournment was sought for the same reasons, I declined the application. Since the State did not offer any evidence to support the charge, I acquit PETER KASAINI MOSIRO of the charge of murder. He is ordered released unless otherwise lawfully held in custody.

Dated and delivered at Kisii this 4th July 2018.

D.S Majanja

Judge

Mr. Otieno, Prosecution Counsel, instructed by Office of Director of Prosecutions

Mr. Ondari, Advocate for the Accused