

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

SIAYA CRIMINAL CASE NO. 38 OF 2015

(CORAM: R. E. ABURILI- J.)

JOHN OYUGA OKONGO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The Accused person **John Oyuga Okongo** is charged with the offence of Murder contrary to **Section 203 as read with Section 204 of the Penal Code**. Particulars of the offence are that on the 26th day of April 2014 at Naya Sub-location, South Uyoma location in Rarieda Sub-county of Siaya County, jointly with another not before court, murdered **George Oluoch Baraza**.
2. The accused pleaded not guilty to the charge. The prosecution led by the Senior Principal State Counsel, Mr. Okachi called 9 prosecution witnesses and closed its case.
3. The Prosecution also produced several exhibits including postmortem report showing the cause of death of the deceased, photographs of the state in which the deceased's body was found, a certificate of the person who took the photographs and a big stone allegedly used to kill the deceased.
4. The Defence is represented by Mr. Otieno Advocate.
5. At the close of the Prosecution case, the Defence opted not to submit on whether or not the accused has a case to answer.
6. This case was partially heard by Hon. J. A. Makau before he was transferred to Nairobi and the Prosecution and Defence consented to have the trial proceed from where Hon. J.A. Makau J left it. Accordingly, in compliance with **Section 200 of the Criminal Procedure Code**, this court did, on 23/5/2018 order that the case proceeds from where Hon. J.A. Makau left it.
7. Having considered all the evidence adduced by the prosecution as a whole, I am satisfied that the prosecution have established a **prima facie** case against the accused person to warrant him be placed on his defence.
8. Accordingly, the accused is hereby placed on his defence and in compliance with **Section 211 of the Criminal Procedure Code**, the accused person is placed on his defence and his rights under the said Section duly explained to him.

Orders accordingly.

Dated, Signed and Delivered at SIAYA this 7th Day of November 2018.

R.E. ABURILI

JUDGE