



**REPUBLIC OF KENYA**

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

**CRIMINAL CASE NO.14 OF 2011**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PIUS ZAKARIA NYONGESA.....1<sup>ST</sup> ACCUSED**

**HOSEA NYONGESA WANYONYI.....2<sup>ND</sup> ACCUSED**

**RULING**

I have considered the evidence so far adduced by the Prosecution and although the investigating Officer did not testify the testimony of eye witness is present on the shooting and death of the deceased both would have been discussed by the investigating Officer and a post mortem would have simply fortified the fact of death.

Having considered the evidence so far I have formed the opinion that a Prima facie case has been made out by the Prosecution necessitating the 2 persons to be placed on their defence.

DATED and DELIVERED at BUNGOMA this 2<sup>ND</sup> day of MARCH, 2017

**ALI-ARONI**

**JUDGE**