

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.47 OF 2012

REPUBLICPROSECUTOR

VERSUS

ASHER OTIENO OCHIENG.....ACCUSED

RULING

Asher Otieno Ochieng is charged with murder contrary to Section 203 as read with Section 204 of the Penal Code. The particulars of the offence are that on 15th June 2012 at Gachie Trading Centre in Nairobi within Nairobi County murdered **Peter Odhiambo**.

Eight prosecution witnesses have testified in this case. The accused's wife testified that the accused took away their young child (the deceased) with the pretext that he was taking him to hospital for treatment. He returned without the child and told her that the child had been admitted. Several days later, the mutilated decomposing body of the deceased was found near a quarry within Gachie area.

After considering the evidence of all the prosecution witnesses as well as submissions of respective counsel I find that the accused has a case to answer.

He is accordingly put on his defence in accordance with Section 306 of the Criminal Procedure Code.

Orders accordingly.

Ruling delivered, dated and signed at Nairobi this 15th day of October, 2015

R. LAGAT - KORIR

JUDGE

In the presence of:

.....: Court clerk

.....: Accused

.....: For State

.....: For Accused