

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MURDER CASE NO. 10 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

JOSHUA OCHIENG OHATO alias JONES.....ACCUSED

R U L I N G

I have carefully perused the proceedings herein as well as the parties submissions. What is essentially crucial as raised by the prosecution witness is whether the accused person was in the company of the assailants and whether he participated in the attack. Evidence so far on record do suggest that the accused person was among those who were present and that he equally participated in gang raping PW1.

Prima facie therefore the prosecution has placed before this court strong evidence to warrant the accused be put on his defence which I hereby do.

Dated, signed and delivered at Kisumu this 13th day of March, 2014.

**H.K.
JUDGE**

CHEMITEI