



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Oyugi (Criminal Case E025 of 2021)
[2025] KEHC 15030 (KLR) (27 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15030 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E025 OF 2021
JM OMIDO, J
OCTOBER 27, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

SEBBY ROY OYUGI ACCUSED

RULING

1. By the Information dated 10th August, 2021, Sebbi Roy Oyugi, the accused person herein, is charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code, Cap 63 Laws of Kenya. It is alleged in the particulars of the offence that on the 3rd day of June, 2021, at Mamboleo Junction in Kisumu East Subcounty within Kisumu County, the accused person murdered David Omondi Haya.
2. The accused person denied the charge and a plea of “not guilty” was entered, following which his trial commenced.
3. The prosecution has called a total of nine (9) witnesses. Having considered the evidence all the prosecution witnesses, the exhibits produced, the accused person’s submissions and the record in its entirety, I find that a prima facie case has been established against the accused person and he is hereby placed on his defence.
4. The authorities of Festo Wandera Mukando v Republic [1980] KLR 103 and Republic v Kevin Owuor Abith alias Opudo [2022] eKLR provide the jurisprudence that it is inadvisable for the court to give the reasons as to why an accused person is placed on his defence. I will therefore not give the reasons for my findings above.



5. In Festo Wandera Mukando, the Court stated thus:

“...we draw attention to the inadvisability of giving reasons for holding that an accused has a case to answer. It can prove embarrassing to the court and, in an extreme case, may require an appellate court to set aside an otherwise sound judgment. Where a submission of “no case” to answer is rejected, the court should say no more than that it is. It is otherwise where the submission is upheld when reasons should be given; for then that is the end to the case or the court or counts concerned.” (Emphasis mine).

6. In Kevin Owuor Abith alias Opudo [2022] eKLR, it was held that:

“The trial court is however cautioned that at this stage, it should not make definitive findings should it conclude that the accused has a case to answer.”

(Emphasis mine).

7. This matter will be mentioned on 11th November, 2025 for directions under Section 306(2) of the Criminal Procedure Code.

8. A copy of this ruling to be supplied to both the accused person and the prosecution.

DELIVERED, DATED AND SIGNED THIS 27TH DAY OF OCTOBER, 2025.

JOE M. OMIDO

JUDGE

Accused: Present.

Prosecution Counsel: Ms. Muema.

Court Assistant: Mr. Ngoge & Mr. Juma.

