



**Republic v Awambo & another (Criminal Case E013 of 2024)  
[2025] KEHC 17911 (KLR) (2 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 17911 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL CASE E013 OF 2024  
DK KEMEL, J  
DECEMBER 2, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**CHRISPIN KENNEDY AWAMBO ..... 1<sup>ST</sup> ACCUSED**

**VINCENT OCHIENG ONGORO ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. The accused persons herein Chrispin Kennedy Awambo and Vincent Ochieng Ongoro have been charged with an offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#). The particulars of the offence are that 4<sup>th</sup> day of June 2023 at River Nzoia bridge in Nzoia shopping in Siranga Sub Location, Ugenya Sub County within Siaya County, joint with others not before court murdered one Jared Ongoro Odhiambo.
2. The prosecution called a total of seven witnesses in support of its case.
3. The prosecution’s case is that on the material date the deceased was travelling with a relative after attending a funeral when at River Nzoia bridge they were ambushed and attacked by certain persons and as a result the deceased died on the spot while his companion survived. Apparently, the two accused persons herein had hired certain boda boda riders to waylay the deceased after coming from funeral as confirmed by PW2 and PW3 as it had emerged that the deceased and the accused persons had some differences that had not been resolved prior to the incident. The body of the deceased was taken to Ambira Sub County Hospital where an autopsy was conducted by Dr. Tony Kinja and that Dr. Oluoch Otowa (PW4) presented the autopsy report on his behalf. The doctor confirmed that the cause of death was severe traumatic brain injury secondary to brain trauma due to assault. The autopsy report was produced as Exhibit No. 2. No. 80056 Sgt James Makobe (PW5) based at Safaricom Kisumu branch as a Compliance and Enforcement Officer presented call records for two mobile numbers 0720XXXX



for the period 1<sup>st</sup> September to 9<sup>th</sup> September 2023 registered in the name of Jared Odhiambo and No. 0798XXXX for the period 1<sup>st</sup> October 2023 to 23<sup>rd</sup> October 2023 registered in the name of Michael Titua. The witness also produced the call data records of the imei numbers for the two mobile numbers. Again, Judith Anyango Dudi (PW6) who is the wife of the deceased stated that the deceased left on 4<sup>th</sup> September 2023 to join friends who are fans of Ohangla music but that he did not return and that the following day they started the search and later found the body at the Nzoia bridge which had several injuries and it looked like the deceased had been sodomized. Finally, the matter was investigated by No. 99XXXX Pc Jacob Suiyanka (PW7) and who visited the scene and collected the body which was taken to Seg Hospital Mortuary for preservation. That he investigated the deceased's mobile No. 0720XXXX and also looked for the sim card and learnt that the handset was being used with a different number 0798XXXX in the name of one Michael Omondi Titua (PW2) who was promptly arrested and arraigned before Ukwala Law Courts for the offence of robbery with violence and that the said witness later recorded a confession wherein he narrated on how the deceased had been murdered. The said witness (PW2) claimed that he had been hired by one Chrispin Kennedy Awambo (1<sup>st</sup> accused) to take him with another person for a certain mission. That the body was later taken for an autopsy which was conducted on 14<sup>th</sup> September 2023 by Dr. Tony Kinja and that the autopsy report was produced by Dr. Oluoch Otowa (PW4) who formed the opinion that the cause of death was severe traumatic brain injury secondary to brain trauma due to assault. The investigating officer later established that the 2<sup>nd</sup> accused herein together with the 1<sup>st</sup> accused had planned for the murder of the 1<sup>st</sup> accused. That he later charged the accused persons with the present offence.

4. At the close of the prosecution's case, learned counsels for the parties made oral submissions on a case to answer.
5. I have considered the evidence tendered at this stage of the proceedings and the submissions presented. At this stage of proceedings, the prosecution is under a duty to establish a prima facie case against the accused person so as to warrant him make a defence. A prima facie case is one in which a reasonable tribunal directing its mind to the law and evidence can convict an accused if no evidence is tendered by the defence to the contrary. What this means is that the evidence that has been presented should be sufficient to sustain a conviction against the accused person were he to elect to remain silent in defence. See *Bhatt Vs. Republic* (1957) EA 332.
6. After analyzing the evidence of the prosecution's witnesses, the evidence of PW1, PW2, PW3, PW5 and PW7 placed the accused persons at the scene of crime. Indeed, at this stage of the proceedings the court is not required to make a thorough analysis of the evidence due to the need to ensure that it does not prejudice the defence which is yet to be presented. The evidence as presented at this stage has made out a prima facie case against the accused persons who have been placed at the scene of crime and who must now offer an explanation as to how the deceased met his death.
7. In view of the foregoing observations, it is my finding that the prosecution has established a prima facie case against the accused herein to warrant them to be called upon to make a defence. Consequently, I find Chrispin Kennedy Awambo and Vincent Ochieng Ongoro have a case to answer. They are now called upon to elect to conduct their defence in accordance with the provisions of Section 306 (2) of the [Criminal Procedure Code](#).

**DATED AND DELIVERED AT SIAYA THIS 2<sup>ND</sup> DAY OF DECEMBER 2025.**

**D. KEMEI**

**JUDGE**

In the presence of:



Chispine Kennedy Awambo...1<sup>st</sup> Accused

Vincent Ochieng Ongoro....2<sup>nd</sup> Accused

Okuta & Alego....for Accused

M/s Kerubo....for Prosecution

Maureen....Court Assistant

