

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT BUNGOMA**  
**CRIMINAL CASE NO. E040 OF 2024**

**REPUBLIC.....ODPP**  
**VERSUS**

**EMMANUEL BIKETI alias TOTO.....1<sup>ST</sup>**  
**ACCUSED**  
**LEVIS NYONGESA SIFUNA.....2<sup>ND</sup>**  
**ACCUSED**

**RULING**

1. Whereas this case is scheduled for further hearing of the prosecutions case, Mr Otieno for the state has applied for an adjournment on grounds of unavailability of his 4 witnesses; the doctor who is said to be on transfer, the Investigating officer and two civilian witnesses.
2. Ms Nekesa for the defence has not opposed this application save that she craves that it be marked as the last one on the part of the state.
3. I have duly considered this application and do note that Mr Otieno has just taken over the prosecution of this case from Ms Kibet who is on transfer. I have also considered the fact that the defence has not resisted it wherefore I allow it and given that the court record indicates that on 24.9.2025; the doctor was available but Ms Nekesa was not available until

1.52 p.m after the file had been called out at 9.30 am, I will not mark the adjournment as the last one. Hearing is adjourned to 18.5.2026.

4. Witness summons to issue to Joel Clinton Wekesa and Abraham Wabwile.

**Delivered, signed and dated at Bungoma this 20<sup>th</sup> day of January, 2026.**

**MWANAISHA S. SHARIFF  
JUDGE**