



**Republic v Kiverenge & another (Criminal Case E003 of 2022)
[2025] KEHC 687 (KLR) (28 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 687 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
CRIMINAL CASE E003 OF 2022
JN KAMAU, J
JANUARY 28, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

STEPHEN AYUGU KIVERENGE 1ST ACCUSED

WILSON MUNGEYA 2ND ACCUSED

RULING

1. On 6th November 2024, the Prosecution closed its case after calling six (6) Prosecution witnesses.
2. The Accused persons and the Prosecution did not file any Written Submissions on the question of whether or not the Accused persons had a case to answer. They all relied on the evidence adduced by the Prosecution witnesses.
3. A perusal of the evidence of Kennedy Asenga Misiko (hereinafter referred to as “PW 1”), Wilson Mutongi Chahim (hereinafter referred to as “PW 2”), Hudson Mmera Abele (hereinafter erroneously referred to as “PW 4” instead of “PW 3”), Clinton Kisani Kagira (hereinafter erroneously referred to as “PW 5” instead of “PW 4”) and No 239662 Inspector John Mwabire Mwaduna (hereinafter erroneously referred to as “PW 8” instead of “PW 7”) showed that none of them saw the 2nd Accused person hit the deceased. Only PW 1 testified that he saw the 1st Accused person hit the deceased.
4. Accordingly, having carefully considered the evidence by the Prosecution witnesses, the court was of the opinion that a prima facie case had been established against the 1st Accused person herein to warrant him being put on his Defence. He is hereby put on his defence.
5. On the other hand, as no evidence pointed to the 2nd Accused person as having contributed to the deceased’s death, he is hereby acquitted under Section 210 of the *Criminal Procedure Code* Cap 75



(Laws of Kenya). It is hereby directed that he be released from custody forthwith unless he be held for any other lawful cause.

6. It is so ordered.

DATED AND DELIVERED AT VIHIGA THIS 28TH DAY OF JANUARY 2025

J. KAMAU

JUDGE

