



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Republic v Obel & another (Criminal Case 29 of 2020)  
[2025] KEHC 11241 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11241 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITALE  
CRIMINAL CASE 29 OF 2020**

**RK LIMO, J  
JULY 29, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**PETER OCHIENG OBEL ..... 1<sup>ST</sup> ACCUSED**

**PETER WAKOLI SIKOLIA ..... 2<sup>ND</sup> ACCUSED**

**RULING**

1. Peter Ochieng Obel the first accused herein is charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code* vide this Criminal Case No.29 of 2020. The particulars are that on 21/9/2020 at Ngazi Village within Bidii Location, Kwanza County within Trans Nzoia County he murdered Jacob Omondi.
2. Peter Wakoli Sikolia on the other hand is also charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code* vide Criminal Case No.E002 of 2021. The particulars of the charge are that on 21/9/2020 at Ngazi Village within Bidii Location, Kwanza Sub-County, Trans Nzoia County with another before court murdered Jacob Omondi.
3. Both accused persons denied the charges when they were arraigned on 13/10/2020 and 16/3/2021 respectively.
4. The record of proceedings indicate that on 26/4/2021 both files to wit Criminal Case No.29/2020 and 2/2021 were consolidated and Kimaru J(as he then was) directed that the proceedings were to proceed in file No.29/2020. However the charges were not consolidated perhaps due to an oversight or inadvertence but nevertheless the trial commenced on 5/7/21. A total of 8 prosecution witnesses testified before Justice Kimaru, before Justice Mrima took over on 31/10/22 when the judge directed that the matter was to proceed from where Justice Kimaru left after both defence counsels Mr Karani and Mr Kimani expressed no objection to the matter proceeding as such.



PW1 who apparently had been stood down earlier was recalled and she testified. PW9 also testified on 4/7/23.

5. This court took over the proceedings on 4/3/25 upon transfer of Justice Mrima and upon compliance with the provisions of Section 200 of *Criminal Procedure Code* proceeded to take the evidence of prosecution's last witness PW10 on 22/7/25.
6. The prosecution has now closed its case and this court is being called upon to determine if the prosecution's case against the accused persons has been established on a prima facie basis or not. In other words whether there is a case to answer.
7. In light of the inadvertence by the prosecution to consolidate the 2 charges in one file and the procedural misstep or failure by the court to have the consolidated charge filed and read to both accused person to enable them plead, I find that it will be in the interest of justice to re-open the case in order to comply with the procedural requirements. The defence will not suffer any prejudice and this court invites them to make representations upon consolidation of the charges on whether they want the trial to begin afresh or if they are desirous to have the evidence adopted and this court proceeds to render itself on case to answer.

**DELIVERED, DATED AND SIGNED AT KITALE THIS 29<sup>TH</sup> DAY OF JULY, 2025.**

**HON JUSTICE R.K. LIMO**

**KITALE HIGH COURT**

Ruling delivered in open court

In the presence of

Karani for the 1<sup>st</sup> accused

Kimani for the 2<sup>nd</sup> accused

Duke/Chemosop- court assistants

