



Case Number:	Murder 11 of 2011
Date Delivered:	09 Dec 2014
Case Class:	Criminal
Court:	High Court at Kisumu
Case Action:	Ruling
Judge:	Hilary Kiplagat Chemitei
Citation:	Republic v Peter Ochieng Obondo [2014] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Kisumu
Docket Number:	-
History Docket Number:	-
Case Outcome:	Accused acquitted.
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
<p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p>	

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MURDER NO. 11 OF 2011

REPUBLIC.....PROSECUT

OR

VERSUS

PETER OCHIENG OBONDO.....ACCUSED

R U L I N G

1). The accused herein was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. The particulars were that on the nights of 2nd and 3rd February 2011 at Marera sub location, Kisumu West District within Nyanza Province murdered Yuanita Abonyo Ndolo.

2). The accused person pleaded not guilty to the charge. The prosecution called a total of 3 witnesses. **PW1 James Ndolo**, who was the deceased husband told the court that on 1-2-2011 his wife left the homestead at around 6 p.m. She did not come back that night. The following day he was informed that a body of some lady had been burned at the homestead of the accused. The witness then went to the scene and identified the body to be that of his wife.

3). **PW2 Nahashon Opiyo**, was taking changaa that evening with the deceased, the accused among others. The following morning the accused came to his house and told his wife that he had been attacked that night by thugs and his house burned

4). **PW3 Owenga Anyango**, was equally in the group that were taking changaa in the house of one Opiyo. He left after drinking his portion of the changaa. The following morning he learned that the accused house had been burned.

5). These were the only prosecution witnesses called. The prosecution was however unable to call any other witnesses despite myriad of adjournments granted to it. The prosecution closed their case.

6). Having perused the evidence of the three witnesses I do not find that the prosecution have been able to establish a case capable of putting the accused person on his defence. There was no eye witness to the murder of the deceased. Nobody was able to explain the whereabouts of the deceased from the time she left the drinking place. Equally, nobody was able to tell whether or not the deceased was actually with the accused that fateful night.

7). Further and of great significance, there was no evidence adduced to suggest the cause of death of the deceased. No medical evidence which is a crucial element in such a case was ever produced.

8). In the premises I shall order that there is no sufficient evidence adduced so as to put the accused in his defence. He is therefore acquitted under section 210 of the Criminal Procedure Code Chapter 75 Laws of Kenya unless lawfully held.

Dated, signed and delivered at Kisumu this 9th day of December, 2014.

H.K. CHEMITEI

JUDGE



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)