

REPUBLIC OF KENYA

IN THE HIGH COURT AT MILIMANI

CRIMINAL DIVISION

CRIMINAL REVISION NO. 902 OF 2018

CHARLES WAGONDU MUNYI.....APPELLANT

VERSUS

REPUBLIC..... RESPONDENT

RULING

1. I have heard the respective submissions. In the interest of justice, it is important the aforesaid exhibits be subjected to independent expert examination. In fact, there was no reason to disallow the application even when the State Counsel did not object. All the same, the interests of justice would be well served when the process of the trial and investigations is fair.

2. Accordingly, I set aside the ruling of Hon. Sinkiyan, R.M delivered on 9th November, 2018 disallowing the exhibits to be subjected to independent expert examination. I order that P.Exhibits 1,2 & 3 being bank deposit slips and P.Exhibit 5, an LPO from Mathai Supermarket be subjected to an independent document examination at the instance of the defence. The said exhibits shall be released to the Investigating Officer who shall be accompanied by the accused's advocate to the defence document examiner to have the said exhibits examined. The examination shall be in the presence of the said parties and must be released to the Investigating Officer after the exercise, who shall thereafter hand them over to the court. The examination shall be conducted within 14 days. There shall be a mention on 17/10/2019 to take dates for defence hearing. Mention shall be before the trial court.

Dated and Delivered at Nairobi This 24th September, 2019.

G.W.NGENYE-MACHARIA

JUDGE.

In the presence of:

1. *M/s Mukiri h/b for Mr. Mwambi*
2. *Momanyi for the Respondent.*