



**Muriithi v Republic (Miscellaneous Criminal Application  
E057 of 2024) [2025] KEHC 2963 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2963 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
MISCELLANEOUS CRIMINAL APPLICATION E057 OF 2024**

**EM MURIITHI, J**

**MARCH 13, 2025**

**BETWEEN**

**JUSTO NYAGA MURIITHI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant filed a notice of motion dated 10<sup>th</sup> December, 2024 seeking the following orders:
  1. Spent.
  2. Spent.
  3. That pending the hearing and determination of this Application/Suit, this Honourable Court be pleased to call for and examine the Magistrates’ Court record and proceedings in Kerugoya MCTR/217/2019-*Republic v Justo Nyaga Muriithi* to satisfy itself as to the regularity of the proceedings therein.
  4. That this Honourable Court be pleased to issue an order of mistrial in respect of the charges and proceedings in Kerugoya MCTR/217/2019-*Republic v Justo Nyaga Muriithi*.
  5. That this Honourable Court provides for the costs of this Application.
2. On the evidence and submissions presented before the Court, the Court finds a prima facie case for revision on the ground of the improper trial of an accused who pleads guilty to a charge and, although, “the Court is not bound to accept the accused’s admission of the truth of the charge and convict him as there may in the words of the statute [s.207(2) of the *Criminal Procedure Code*] “appear sufficient cause to the contrary” (See *Ndede v. R* (1991) KLR 567), the reasons may only be deciphered from the record of the trial proceedings. In the circumstances, it is important to call for the trial court file



for examination on the basis of the submissions by the Counsel for the Parties before ruling on the application for review.

### **Order**

3. Accordingly, for the reasons set out above, the Court grants the request for the Court to call and examine the trial court file in Kerugoya MCTR/217 of 2019 Republic v. Justo Nyaga Muriithi. The Court shall in exercise of its supervisory jurisdiction under Article 165 (6) and (7) of the Constitution and revision powers under section 362 of the criminal procedure Code review the legality of trial court's proceedings and rule on it on 27/3/2025.

4. The accused's trial shall be stayed pending determination of this application.

Order accordingly.

**DATED AND DELIVERED ON THIS 13<sup>TH</sup> DAY OF MARCH 2025.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances:

Mr. Eric Ngunjiri for Applicant.

Mr. Mamba for the DPP..

