



Republic v DCI Nakuru West (Criminal Miscellaneous Application E221 of 2024) [2025] KEHC 5811 (KLR) (6 May 2025) (Ruling)

Neutral citation: [2025] KEHC 5811 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL MISCELLANEOUS APPLICATION E221 OF 2024**

JM NANG'EA, J

MAY 6, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

DCI NAKURU WEST ACCUSED

RULING

1. This undated Notice of Motion application supported by affidavit evidence seeks release of three Original Wills and a draft copy thereof exhibited in Succession Cause No. E076 of 2022, pending determination before this court, for use in forensic examination to establish their authenticity following a complaint by a beneficiary of the estate (Nixon Kariuki Thuo). The Applicant (P/ No. 88363 PC Geoffrey Kinambuga) pledges to return the documents to the court once the police investigations are completed.
2. I have considered the application and perused the said Succession Cause File No. E076 of 2022. Indeed the Wills in question were produced in court and are in safe custody awaiting determination of the matter.
3. It is noted from the record of the said Succession Cause File No. E076 of 2022 that my brother (H. M. Nyaga, J) dismissed a similar application by ruling delivered on 17/4/2024. It should be noted that there exist sufficient mechanisms in the conduct of the Succession Cause to interrogate questions as to authenticity of the Wills.
4. The court accordingly declines to release the Wills until hearing and determination of the matter.

J. M. NANG'EA, JUDGE.

RULING DELIVERED IN PHYSICAL COURT THIS 6TH DAY OF MAY, 2025 IN THE PRESENCE OF:



The Prosecution Counsel, Ms Sang

Applicant, present

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

