



**Director of Public Prosecutions v Koria (Criminal Appeal  
E014 of 2025) [2025] KEHC 12787 (KLR) (Anti-Corruption  
and Economic Crimes) (19 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12787 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
ANTI-CORRUPTION AND ECONOMIC CRIMES  
CRIMINAL APPEAL E014 OF 2025  
BM MUSYOKI, J  
SEPTEMBER 19, 2025**

**BETWEEN**

**THE DIRECTOR OF PUBLIC PROSECUTIONS ..... APPELLANT**

**AND**

**PETER GITAA KORIA ..... RESPONDENT**

*(Being appeal from ruling of Chief Magistrate's Court at Milimani Anti-Corruption case No. E013 of 2024 (Hon. Celesa Okore, PM) dated 2nd April 2025)*

**RULING**

1. This matter came for directions for the first time on 19-06-2025 when the appellant failed to attend court. The court made orders that a notice to show cause why the appeal should not be dismissed for want of prosecution be issued for hearing on 8-07-2025. On the date set for the notice to show cause, Mr. Mong'are and Mr. Nyamache appeared and pleaded with the court to let the appeal live its full life and explained that the failure to attend court on 19-06-2025 was occasioned by the appellant's staff who failed to diarise the matter and promised that the error will not recur.
2. The court granted the appellant's plea and made directions that the appeal shall be disposed of by way of written submissions and gave the appellant 21 days to file and serve their submissions. The matter was fixed for mention for compliance on 18-09-2025.
3. The appellant did not comply with the above directions until they were served with the respondent's application dated 11-09-2025. The application seeks that the appeal be struck out for failure to comply with the aforesaid court's directions. The respondent in opposing the application has again pleaded with the court to spare the appeal and explained that Mr. Akula who was in conduct of the matter had



a personal issue which made the office lose track of the file. The respondent pleaded with the court to consider Article 159(2)(b) of *the Constitution* and hear the appeal substantively.

4. This court has noted with concern that the Office of the Director of Public Prosecution has been lethargic when it comes to appearing before it. The same concern was pointed out on 8-07-2025 when this matter came for notice to show cause. The Counsel assigned matters in this court either log in late or they do not appear at all and when they do, they are unprepared. Even on 18-09-2025 when this application was heard, the court took note of one matter where the ODDP was not represented despite a Counsel from its office having logged in while in another, the counsel handling appeared unprepared and with insufficient information about the file. The Office of the Director of Public Prosecution must start taking matters before this court seriously. I will not entertain the kind of conduct the said office has displayed before me.
5. Turning to the matter at hand, the explanation given by the appellant does not convince this court. The personal matter Mr. Akula is said to have been engaged in has not been disclosed or explained. While the court appreciates that the counsel has a private life which needs to be respected by not being disclosed in these proceedings, the explanation given by the counsel holding his brief was too casual and assumptive. The counsel is a public officer who must take responsibility and be accountable to the people he serves and that in my view includes giving proper explanation of his actions or omissions.
6. The respondent has the right to know his fate and live without the burden of knowledge that there is a court matter on his shoulders. Failure to comply with court's directions cannot be matters of technicality as the directions go to the core of expeditious disposal of matters before the court and quick dispensation of justice. I am alive to the fact that the ODDP represents the public in criminal matters and the courts must consider public interest when handling them. However, it is also in public interest that justice be dispensed without undue delays. While this appeal is relatively new, that cannot be a reason for any party to drag it than it is necessary.
7. Having said the above and having weighed the likely outcome and impact of striking out the appeal, this court reluctantly chooses to admonish and warn the appellant and give the appeal a lease of life. This court will not entertain the conduct shown by appellant in future. I will direct that the respondent shall file his submissions within the next 21 days from today.
8. A date for mention for purposes of compliance and fixing a judgment date shall be given after this ruling.

**DATED SIGNED AND DELIVERED AT NAIROBI THIS 19<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**B.M. MUSYOKI**

**JUDGE OF THE HIGH COURT.**

Ruling delivered in presence of Mr. Akula for the appellant and Mr. Ondieki for the respondent.

