



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CRIMINAL DIVISION**

**CRIMINAL REVISION APPLICATION NO. 218 OF 2015**

**BETTY NJOKI MUREITHI T/S BLUE STAR ENTERPRISES.....APPLICANT**

**VERSUS**

**THE INSPECTOR GENERAL.....1<sup>ST</sup> RESPONDENT**

**THE DIRECTOR OF PUBLIC PROSECUTIONS.....2<sup>ND</sup> RESPONDENT**

**RULING**

Having heard the respective submissions, I concur that police are under a duty to conduct investigations once a complaint has been raised. It is important to note that the Investigating Officer has suggested that she would be able to conclude the investigations within 10 days from today. But, I also take note of the fact that the Applicant's account was closed on 29<sup>th</sup> September 2015 and the Applicant recorded her statement on 5<sup>th</sup> October 2015. A month has passed by which time investigations should be at an advanced stage.

I do agree that it is in the public domain that there exists a scandal in the Ministry of Devolution involving about Kshs. 791 million that is under investigations. But this does not imply that every transaction done in the Ministry must be connected to the scandal.

In the current case, the Applicant has, prima facie, been able to demonstrate the source of the money. It was the duty of the police to demonstrate how this money that was deposited in the Applicant's account is connected to the scandal. The Replying Affidavit has not in any way connected the Applicant to the scandal save to state, that the police are investigating the matter. In that case, I do not think it is fair, and in the interest of justice that the police get all the time they ask for to complete their investigations. I will give them a maximum of 7 days to complete investigations. The matter will be mentioned on 12/11/2015 when the Respondent must come to the Court with a recommendation of whether they will be charging the Applicant with any criminal offence, or exonerating her altogether.

**DATED and SIGNED this 5<sup>TH</sup> day of November, 2015.**

**G. W. NGENYE – MACHARIA**

**JUDGE**

**In the presence of:**

1. Mr. Wandugi for the Applicant

## 2. M/s Atina for the Respondent