



**Republic v Purkins (Criminal Case E012 of 2025)  
[2025] KEHC 15027 (KLR) (Crim) (21 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15027 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL CASE E012 OF 2025  
AM MUTETI, J  
OCTOBER 21, 2025**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**ROBERT JAMES PURKINS ..... ACCUSED**

**RULING**

1. The state has indicated to the court that the DPP as the competent authority in Kenya under the *Mutual Legal Assistance Act* has initiated the process of extradition by requesting the Hon. Attorney General who is the Central Authority in Kenya to make the necessary request to the U.K authorities for the arrest and surrender of the fugitive in this matter. Counsel for the DPP informed the court that the Hon. Attorney General through the Solicitor General acknowledged the receipt of their letter dated 9<sup>th</sup> October 2025. The court has also been given a copy of the letter by the DPP to the Attorney General and in it the the DPP requested the office of the Hon. Attonery General to make a formal request to the U.K authorities for the arrest and surrender of the fugitive.
2. The state requested that the matter be mentioned in January 2026 to allow the process of extradition to be completed hopefully. The victim’s family through Mr. Mbiyu Kamau however, pleaded with the court to take note of the length of time that has lapsed since the deceased died and order that this matter be mentioned in the course of this year to ensure that there is no further delay in the handling of the tradition process. This court is alive to the fact that an extradition process can be lengthy and tedious.
3. The victims should understand that the matter involves our diplomatic engagement as a sovereign state with another friendly state and the laws of Kenya as well as those of the U.K must be fully complied with in order to guarantee the fugitive a fair trial in the end if he is surrounded for trial either by his own government or he elects to take the route of voluntary surrender to Kenya for trial.



4. The parties in this matter must therefore be cognisant of the fact that the authorities in Kenya cannot control the process in the U.K and the success of that the request is depended on the willingness of the requested state to cooperate. The court issued the Warrant of Arrest and the DPP has dutifully transmitted the documents to the Hon. A.G in line with Article 157 of *the Constitution* and the Mutual Legal Assistant Act.
5. The process is now in the hands of the Attorney General. However, the court acknowledges that under Article 157 (11) of *the Constitution* the DPP has a duty to protect the interested of the Administration of Justice. That duty would in my view extend to ensuring that the process of Extradition is fast tracked to avoid delay because delay in extradition matters has its own dangers. In recognition of that fact and the role of the DPP, this court agrees with counsel for the victims that in order to monitor progress in this matter, this case cannot wait until January 2026.
6. It has been over 10 years since the incident occurred on 31.3.2011. The victims are still anxiously waiting for justice to be done to their kin thus all the state actors in Kenya including the court must dedicate efforts towards the expeditious disposal for this matter. It would be important therefore for the ODPP to update this court regularly off the steps being taken in order to obviate delay.
7. Accordingly, this court directs that this case shall be mentioned at least once every month to monitor progress. The victims have also prayed to be supplied with the evidential material that the state will be relying on in order for them to assist the prosecution and also follow the proceedings actively.
8. Ms Gikuhi Senior Assistant Director of Public Prosecutions has undertaken to supply the victims with the material requested but cautioned that the material should be carefully handled by the victim's counsel to avoid prejudicing the trial.
9. Accordingly, I hereby order that the victims be supplied with the material requested and there should not be any unauthorized disclosure of the same to avoid trial of the accused in the court of public opinion. Counsel for the victims shall therefore be expected to handle the material professionally and the court specifically directs that the evidence intended to be relied on should not be published until the trial commences and witnesses are heard. The rights of the accused should not be violated through trial in the press even before extradition proceedings are conducted, concluded and trial in this case commences.
10. To all counsel I direct that there should be utmost care in the handling of the material because fair trial concerns have a great bearing to the success or otherwise of the intended extradition and this trial. It is that delicate. This matter will be mentioned on 24<sup>th</sup> November 2025.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 21<sup>ST</sup> DAY OF OCTOBER, 2025.**

**A. M. MUTETI**

**JUDGE**

In the Presence of: -

Coram: Before Hon. A. M. Muteti, J

Habiba: Court Assistant

Ms. Dela for the state

Kamau for victims

