



**Kuria v Republic (Criminal Appeal E031 of 2025)
[2025] KEHC 16856 (KLR) (Crim) (19 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16856 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
CRIMINAL
CRIMINAL APPEAL E031 OF 2025
KW KIARIE, J
NOVEMBER 19, 2025**

BETWEEN

PAUL KARIUKI KURIA APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. Paul Kariuki, the appellant herein, was convicted on ten counts. The charges and particulars are as follows:

Count I

Failing to apply to be registered in accordance with the *Registration of Persons Act*, contrary to section 14(1)(a), Chapter 107 Laws of Kenya.

It was established on 22 July 2024 at the DCI North Kinangop office within Nyandarua County that, after attaining the age of 18 years and 90 days, the accused person failed to register with the Registrar of Persons in accordance with the *Registration of Persons Act*, Cap 107, Laws of Kenya.

Count II

Stealing contrary to section 268 (1) as read with section 275 of the Penal Code.

The particulars are that on various dates between 10th February 2018 and 16th February 2018, at Ndinda in North Kinangop Sub-County within Nyandarua County, the accused person stole a national identity card, number xxxxxxxx, serial number 2151119360, bearing the name Paul Mwaniki Kariuki, valued at Kshs. 1000/= the property of Paul Mwaniki Kariuki



Count III

Making a false representation contrary to section 14(1) (j) (i) of the [Registration of Persons Act](#), Cap 107, Laws of Kenya.

Particulars are that on diverse dates between 17th May, 2021 and 8th July 2024 at East End Junior Academy within Nairobi County, the accused person, with intent to deceive, made false representations that he was Paul Mwaniki Kariuki of National Identity Card No xxxxxxxx and falsely obtained employment in the Kitchen department of the said institution.

Count IV

Making a false representation contrary to section 14(1) (j)(i) of the [Registration of Persons Act](#), Cap 107, Laws of Kenya.

Specifically, on 18/9/2020, at the Nyeri NSSF offices within Nyeri County, with the intent to deceive, the accused person made a false representation that he was Paul Mwaniki Kariuki, with national identity card No. xxxxxxxx, and falsely obtained NSSF registration number 2031688306.

Count V

Making a false representation contrary to section 14(1) (j)(i) of the [Registration of Persons Act](#), Cap 107, Laws of Kenya.

The particulars are that on 18/9/2020, the accused person, with the intent to deceive, made a false representation to the National Health Insurance Fund (NHIF) office in Nyeri County, stating that he was Paul Mwaniki Kariuki, national identity card No. xxxxxxxx, and thereby falsely obtained NHIF registration number 147xxxxx.

Count VI

Making a false representation contrary to section 14(1) (j)(i) of the [Registration of Persons Act](#), Cap 107, Laws of Kenya.

The particulars are that on 28 June 2021, at Umoja Co-operation Bank within Nairobi County, with the intent to deceive, the accused person made a false representation that he was Paul Mwaniki Kariuki, national identity card No. xxxxxxxx, and falsely obtained bank account numbers 011166xxxxxxxx and 0111036xxxxxxxx.

Count VII

Giving false information to a person employed by public service contrary to section 129(a) of the Penal Code.

The particulars are that on 18/9/2020 at Nyeri township within Nyeri County, the accused person informed Isaac Ndirangu Wambugu a person employed in the Civil service as an NHIF customer care Nyeri branch that he is Paul Mwaniki Kariuki of national identity card No. xxxxxxxx an information the accused person knew to be false intending thereby to cause the said Isaac Ndirangu Wambugu to register and supply the accused person with an NHIF card number 147xxxxx which he ought not to have done if the true state of facts respecting which such information was given had been known to him.

Count VIII



Giving false information to a person employed by the public service is contrary to section 129(a) of the Penal Code.

The particulars are that on 18/9/2020 at Nyeri township within Nyeri County the accused person informed Suleqa Abdi Daudi a person employed in the Civil service as an NSSF customer care Nyeri branch that he is Paul Mwaniki Kariuki of national identity card No. xxxxxxxx an information the accused person knew to be false intending thereby to cause the said Suleqa Abdi Daudi to register and supply the accused person with an NHIF card number 2031xxxxx which he ought not to have done if the true state of facts respecting which such information was given had been known to him.

Count IX

Obtaining credit contrary to section 316(a) of the Penal Code.

The particulars are that, on 8th November 2023, at an unspecified location within the Republic of Kenya, the accused person incurred a debt or liability to the Cooperative Bank of Kenya and obtained credit to the account in the amount of Kshs. 21,200 from the Cooperative Bank of Kenya by falsely pretending to be Paul Mwaniki Kariuki, with identity card number xxxxxxxx, a fact he knew to be false.

Count X

Obtaining a pin through false misrepresentation contrary to section 91 (3) as read with section 104 (1) of the [TAX Procedures Act](#) Laws of Kenya.

The particulars are that on 18/9/2020, at Nyeri Township within Nyeri County, the accused person knowingly and unlawfully registered and obtained a KRA PIN number (A005xxxxxC) using an identity card number (xxxxxxx) belonging to Paul Mwaniki Kariuki.

2. In counts one to six, the appellant was sentenced to pay a fine of Kshs. 60,000, and in default to serve 12 months imprisonment. In counts seven, eight and nine, he was sentenced to twelve months' imprisonment. In count ten, he was sentenced to eighteen months' imprisonment. The default sentence was ordered to run consecutively. He was aggrieved and filed this appeal. He was in person. He raised the following grounds of appeal:
 - a. The learned trial magistrate erred in law and fact in finding that the prosecution had proved its case beyond a reasonable doubt.
 - b. The learned trial magistrate erred in law and fact in relying on contradictory evidence of the prosecution in convicting the appellant.
 - c. The learned trial magistrate erred in law and fact when she convicted the appellant, but failed to note that there were discrepancies in the photographs and signatures.
 - d. The learned trial magistrate erred in Law and fact when she convicted the appellant, but failed to note that the prosecution had insufficient evidence against the appellant.
 - e. The learned trial magistrate erred in law and fact when she pronounced the sentence to run consecutively instead of running concurrently.
3. The state did not file any grounds of opposition or submissions.



4. This is a first appellate court. As expected, I have analyzed and evaluated all the evidence adduced before the lower court. I have concluded, considering I neither saw nor heard any witnesses. I will be guided by the celebrated case of *Okeno vs the Republic* [1972] EA 32.
5. The evidence presented by Paul Mwaniki Kariuki (PW1) was that in February 2018, he took his motor vehicle to a car wash. After three days, he realized that his documents, including his national identity card, were missing. He reported the matter to the police and eventually obtained a replacement for his national identity card. In 2023, when he applied for a loan with the Equity Bank, he was informed he was placed on CRB for nonpayment of a loan. He followed up with the Cooperative Bank's branch engineer. He established that there was a loan in a branch in Nairobi, which he had purportedly opened, and provided his employment details at East End School as a cook. The matter was therefore reported to the police, for he had not opened the account, and neither was he employed as a cook.
6. After investigations commenced, it transpired that NHIF and NSSF registration was done using his details. Isaac Ndirangu Wambugu (PW2) is a customer relations officer at the Nyeri NHIF office. He was able to identify the appellant from the passport photo he produced. This registration was completed using PW1's identification card. The customer identified himself as a cook with East End School.
7. Samuel Macharia Muchira (PW3) was a caretaker with East End School. His evidence was that the appellant was a cook in the school. He noted that the name of the appellant, whom they knew as Paul Mwaniki, appeared on the payroll.
8. Cyrus Wandeto Nduthi (PW4), an employee with Cooperative Bank, Engineer Branch, stated that the appellant opened his account in 2021 and was able to identify him from the photo that was taken for the purpose of opening the account.
9. The appellant denied any involvement in the offences.
10. The prosecution did not prove the offence in count one to the required standard. The learned trial magistrate concluded that the offence was proven based on a letter dated 25th July 2024 from the bureau. The letter stated that the appellant's fingerprints could not be traced. It was necessary for an officer from that office to be called to testify so that the court could be informed whether there are other instances, apart from failure to register, when fingerprints cannot be traced. The conviction in Count 1 is quashed, and the sentence is set aside.
11. The evidence on the other nine counts was overwhelming against the appellant.
12. When a fine forms part of the sentence and there are several counts, the default sentence runs consecutively as ordered by the learned trial magistrate. For avoidance of doubt, this therefore means that the default sentences in counts 2 to 6 will run consecutively if the fine is not paid. The sentences in counts 7 to 10 will run concurrently.
13. The appeal, except in count, is dismissed.

DELIVERED AND SIGNED AT NYANDARUA, THIS 19TH DAY OF NOVEMBER, 2025

KIARIE WAWERU KIARIE

JUDGE

