



**Republic v Lekupuny (Criminal Case 48 of 2018)
[2025] KEHC 16064 (KLR) (5 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16064 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 48 OF 2018
SM GITHINJI, J
NOVEMBER 5, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

LTENESIAN LEKUPUNY ACCUSED

RULING

1. This is an old matter of the year 2018. We have heard only one witnesses and that was 12/5/2005. On 11/6/2025, I gave directions that witnesses be summoned and if they will not be inclined to attend the Investigating Officer effects warrant of arrest against them. I also expressed that any further adjournment will be on weighty, extra ordinary grounds.
2. It is noticeable that the accused person is in remand. He is blind and as he stated on 11/6/2025 he is also experiencing hearing problems. He must be undergoing “hell on earth” experience in prison given his disability. He has not kept himself in prison but has been kept. For 7 years, he has been waiting for evidence to be called but in vain, save for the one witness. What has a beginning should have an end. Justice should not be inordinately delayed, as justice delayed is justice denied. The prosecution have been given more than sufficient opportunities to prosecute the charge fully but have failed. They deserve no more chance. The application lacks merit and is hereby declined.

S.M. Githinji

Judge

5/11/2025

3. Ms. Adhi - I pray for a mention date to enter a Nolle Prosequi. If the court decides otherwise. I close our case.

Court



4. The request for another date for Nolle Prosequi to be entered will see the accused suffering more in prison and also standing a chance of re-arrest and re-charge.
5. In the circumstances of this case, he deserves immediate and absolute freedom. Having decided against Nolle Prosequi, the prosecution case stands closed.
6. One witness was called and his evidence does not connect accused to the offence. There is no evidence as to the cause of death of the deceased. The evidence in short does not disclose a prima facie case against the accused person and he is therefore acquitted of the offence under Section 210 of the C.P.C.

DATED AND DELIVERED AT MERU THIS 5TH DAY OF NOVEMBER, 2025

S.M. GITHINJI

JUDGE

