



Ethic and Anti-Corruption Commission v Nobert t/a Firm Line & 3 others (Anti-Corruption and Economic Crimes Case E017, E018, E019, E020 & E021 of 2021 (Consolidated)) [2025] KEHC 17584 (KLR) (Anti-Corruption and Economic Crimes) (28 November 2025) (Ruling)

Neutral citation: [2025] KEHC 17584 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
ANTI-CORRUPTION AND ECONOMIC CRIMES
ANTI-CORRUPTION AND ECONOMIC CRIMES CASE
E017, E018, E019, E020 & E021 OF 2021 (CONSOLIDATED)**

**BM MUSYOKI, J
NOVEMBER 28, 2025**

BETWEEN

ETHIC AND ANTI-CORRUPTION COMMISSION PLAINTIFF

AND

ACHIRO NOBERT T/A FIRM LINE 1ST DEFENDANT

MORRIS KIWINDA MBONDENI 2ND DEFENDANT

AMOS KABUE MWANGI 3RD DEFENDANT

FRANK JACKSON WERE 4TH DEFENDANT

RULING

1. This ruling is in respect of an oral application made by the plaintiff to file a further witness statement of the investigating officer one Caroline Kimathi. The counsel for the plaintiff told the court that the reason for the plaintiff's desire to file a further statement was to correct an omission in the investigating officer's already filed statement. The omission was that the statement does not mention the other defendants companies in these suits except Firm Line the first defendant in suit number E017 of 2021.
2. The counsel submitted that the statement on record was filed before the suits were consolidated and that it will be in the interest of justice that the investigating officer be allowed to mention all the other companies in the consolidated suits. She stated that the new statement was not introducing or making reference to new documents and the only new thing in it is that it talks about the companies in order to give a full picture of the investigations.



3. The application was opposed. Mr. Oduor B.O. for the 1st and 4th to 11th defendants submitted that parties went through pre-trials and once discovery has been closed, it cannot be re-opened and allowing the application would amount to patching up evidence. He stated that the omission was not an oversight as the statement sought to be introduced was a 43-page document which contains new evidence and if the application is allowed, it would mean that the defendants would have to recall witnesses which will cause delay in disposing this matter.
4. Mr. Ambani for the 2nd and 3rd defendants told the court that allowing the application would defeat the purpose of conducting pre-trials which is disclosure of the nature of the parties' case. He submitted that the application did not meet the parameters for allowing additional evidence as set by the Supreme Court in Mahamud v Mohamad & 3 others (2018) KESC 62 (KLR). He added that it would be disproportional for the plaintiff to be allowed to file a fresh statement and it will take the proceedings backwards which will not be fair to the court, parties and the justice system.
5. I have considered the submissions of the parties and also gone through the further statement which is sought to be introduced alongside the one which is already in the court's record. The statement is made by the same investigating officer across all the five cases. The statement is basically a summary of what the investigations leading to the filing of the case collected including the evidence of the witnesses who have already testified. The statement, although a long one which is understandable noting the number of the defendants in these suits, does not in my view introduce anything which is not within the evidence already produced in court or supplied to the defendants. The witness
6. has not yet testified and the defendants will have adequate time to prepare for hearing before she takes the stand. Whatever issues the defendants have with the statement can be handled in cross-examination.
7. It is true that pre-trials are meant to make disclosures and help the parties understand the nature of the opponents' cases. The pleadings of the parties in this matter are clear on what the plaintiff's cases are. The defences filed by the defendants are also clearly indicative of their understanding of the nature of the case. The documents filed together with the pleadings and which have been in possession of the defendants are also in my view sufficient to make parties understand what the plaintiff is pursuing. The authority cited by Mr. Ambani was in respect of introduction of new evidence on appeal which is not in my view, the case in this application.
8. In my view, there is no bar in law to re-opening of disclosures or discoveries as long as the same does not prejudice any of the parties or introduce a new cause of action. The defendants have not told me what prejudice they will suffer if the application is allowed save that there is likelihood of delay of the matter if they find it necessary to recall some witnesses. I don't think that the pain of the delay in recalling witnesses if there will be such a need, is enough for me to deny the application.
9. On the basis of the above, I am inclined to grant the application and I hereby make the following orders;
 - a. The plaintiff is allowed to file a further witness statement of Caroline Kimathi restricted to the contents of the draft already sent to the defendants and shared with the court. The statement shall be filed within seven days from today.
 - b. The defendants will be at liberty to file any supplementary or further statement they may deem fit in answer to the plaintiff's further statement.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 28TH DAY OF NOVEMBER 2025.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.



Ruling delivered in presence of;

Miss Cherono holding brief for Miss Wambugu for the plaintiff;

Mr. Odour B.O. for the 1st and 4th to 11th defendants

And Mr. Ambani for the 2nd and 3rd defendants.

