



**Republic v Said (Criminal Case E275 of 2024)
[2025] KEMC 312 (KLR) (25 November 2025) (Judgment)**

Neutral citation: [2025] KEMC 312 (KLR)

**REPUBLIC OF KENYA
IN THE LAMU LAW COURTS
CRIMINAL CASE E275 OF 2024
FM MULAMA, RM
NOVEMBER 25, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ANWAR SHEIKH SAID ACCUSED

JUDGMENT

1. Brennan J in the United States Supreme Court decision in *Re Winship*, 397 U.S. 358 (1970) in which he states thus:

“The accused during a criminal prosecution has at stake interests of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction.....Moreover use of the reasonable doubt standard is indispensable to command the respect and confidence of the community. It is critical that the moral force of criminal law not be diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned”

2. Land disputes in Kenya have long been associated and rightly so in my view with the bureaucratic and deliberate failure, historical injustice and political interference. Yet, a more insidious threat is emerging that is institutional complicity in the production of fraudulent land records. This shall and has been apparent in this case.

3. The lands registry has off late been more pronounced and notorious as a site of land crime where instances of missing deed files, inconsistent approval of documents, irregular amalgamation and surrender and registration without lawful foundational instruments are the order of the day provided a few hands are oiled. The problem is thus in my view both external forgeries aided by internal “validation” and manipulation of systems depending on the highest bidder.



4. The accused person is charged with 4 counts. Count 1 is that of obtaining registration of land certificate by false pretenses contrary to section 320 of the Penal Code. The particulars were that on 21/6/2021 at Lamu Lands registry with others not in court the accused willfully procured registration of certificate of land namely Lamu/Mandaisland/381 by falsely pretending that he had been the initial bonafide owner.
5. Count 2 is that of forgery contrary to section 345 as read with 349 of the Penal code and the particulars were that the accused person on 9/7/1998 at Lamu lands registry with intent to defraud/ deceive forged an allotment letter purporting it to be an original allotment.
6. Count 3 the accused is charged with uttering a false document contrary to section 353 of the penal code and the particulars are that on 9/7/1998 at Lamu lands registry knowingly and fraudulently uttered a forged allotment letter purporting it to be original.
7. Count 4 is that of forgery contrary to section 349 of the penal code and the particulars were that on 17/6/2021 at Lamu lands registry with intent to defraud/ deceive forged fee receipt No. 5726674 purporting to have made payments to the land's office.
8. The prosecution has called 9 witnesses and closed its case. At the close of the prosecution's case, the accused was found to have a case to answer and was consequently placed on his defence. I have thus considered the evidence of the state as well as that of the defence.

Summary of the prosecution's case

9. It is the evidence of Pw1 Ali Haidar Ali that in 1998 his father gave him and the parents of Mohamed Qais, Gilbert Kitur and Abdulrahman Ali Abulraham allotment letters and the allotment letters they were given related to Lamu/Mandaisland/380 and 381.
10. They then started farming on those farms with their parents until 2021 when they visited the survey office with a view of obtaining title deeds and as advised he paid the requisite fees of Kshs.28,850 vide receipt no. 5726913 for Lamu/Mandaisland/380 and Kshs.17,400/= vide receipt no. 5902540 for Lamu/Mandaisland/381 and thereafter submitted all the requisite documents and later on vide a letter he was issued with the original Registry Index Map(RIM) to which he acknowledged receipt by signing their collections book.
11. On 15/11/2022 he went to Ardhi house for purposes of processing the leases and the land administrator one Peter Mutua informed him that the once the leases are ready they would be sent to the Lamu lands registry and soon thereafter the registrar at Lamu called him informing him that the leases were ready for collection and he went and collected them for purposes of execution and commissioning and thereafter take them back for registration and issuance of title deeds.
12. Upon lodging the documents for registration, the registrar informed him that another set of documents had been lodged for registration over the same parcels of land as his and that the registration was in favour of Anwar Sheikh Said and Farhiya Sheikh Said for parcel number 381 and 380 respectively. He then reported the matter to the DCI and investigations were commenced.
13. Pw 2 Abdulswamad Abeid Said an advocate operating a firm of advocates in the name and style of A.A. Said & Co. Advocates. It was his testimony that sometimes in the year 2021 the accused and one Mohamed Ali went to his office for purposes of doing land sale transactions with regards to Lamu/Mandaisland/380 and 381. That the office then drafted the sale agreement and a draft copy was given to the accused for perusal and comments and they never went back to the said office to finalize the sale agreements.



14. Later on he received a call from Pw1 who informed him that he had been involved in transactions relating to land parcels LAMU /MANDA ISLAND/ 381 and 381 as he had seen his signature and stamps on the transfer forms and he was later summoned to the DCI where he declined having signed and/or stamped any of those documents and that the signature appearing in any of the documents and he was then asked to provide sample signatures for purposes of forensic examination to which he did.
15. Pw 3 Eric Munene Kivara a government surveyor stated that the director survey was served with a letter from DCI Malindi to provide survey documents for Lamu/Mandaisland/380 and 381 and that he also did the analysis of the investigation. He provided the requested documents.
16. Pw4 Mike Sego a lands registrar currently stationed at Mombasa but previously worked at Lamu Registry and according to his testimony the records regarding MANDA/ISLAND/381 measuring 17.819 Ha he had in his possession and records in his possession had a white card in which the lessor is the government and the lease is one Anwar Sheikh Said Abdalla for a term of 99 years at annual rent of Kshs.8,000/= and the lease was registered on 21/6/2021 and a certificate of lease issued.
17. He further testified that on 11/8/2021 a transfer in favour of Goodison Nine Limited was registered at a consideration of Kshs.5,000,000/= and a certificate of lease was issued. He further stated that he had a 2nd set of documents that were received on 18/11/2022 from the directorate of land administration over the same parcel of land and the documents were for Ali Khaidar Ali and Mohamed Qais Abubakar. He confirmed that the documents were lease documents but the same were never registered as it would amount to duplication of records.
18. On this realization, Ali Khaidar lodged a caution on 15/3/2022 claiming ownership interest and on 16/12/2022 the registry received a letter from the directorate of land administration advising them to apply ADR and also invoke legal provisions to resolve the issue and later directed it to expunge from the record the lease registered on 21/6/2021 and nothing happened thereafter following an order from ELC court at Malindi.
19. Pw 7 No.235221 Chief Inspector Bernard Cheruiyot a document examiner stated that he received documents marked A1 to A6 as transfer of land forms in respect to LAMU/MANDA ISLAND/259,380,381,270,271 and 272 and were further referred to as question documents. He also received a second set of documents marked Q1 and 2 being specimen signatures of the complainant and a document containing the known signatures of the complainant.
20. He was tasked to ascertain whether A1 to A6 pointed by red arrows were made by the same author when compared with the signatures in Q1 and Q2 and after analysis he formed opinion that the signatures were made by different authors in the sense that the signatures in A1 to A6 were not signed by the person who signed Q1 and Q2. He produced his report and the specimen signatures as exhibits.
21. Pw 9 No. 81769 CPL Andrew Omuriai the investigating officer stated that in the course of his investigations he established that the accused was not the person who collected the RIM from the survey of Kenya yet it was supposed to be the owner of the land to collect it and that the licensed surveyor stated that he does not know the accused person and rejected his RIM because they were forged.
22. It was his testimony that when he interrogated the accused he could not explain how he submitted his documents and he also established that the payment receipt had also been forged and that the report dated 17/6/2021(although this is only known to the IO and not necessarily the truth as no statement speaking of this admission by the accused was ever recorded and/or produced in court) confirmed the same. He further agreed with the reports of the document examiner.



23. The IO further stated that he also summoned the advocate for the purchaser and the seller Alex Njagi and A.A. Said and who confirmed that they had not met and only exchanged documents on email and on that basis, he concluded that the 2 advocates did not do the transaction and he further established that valuation was not done for purposes of stamp duty payment and as such the transfer was thus null and void.
24. He concluded his testimony by stating that there was a report he had seen from the land administrator indicating that the process was hijacked by the accused by use of fogged documents and that the accused was not able to show how payments were done from the purchaser to the seller and he could not establish how the consideration was paid.

Summary of the defence case

25. The accused gave unsworn statement vide his witness dated 16th October 2025. He states that the subject property was allotted to him through a letter of allotment dated 9th July 1998 in his name and produced the letter of allotment as an exhibit marked ASSA-1.
26. He further stated that he complied with the terms as contained in the allotment letter and he was subsequently registered as the owner of the land and has produced a copy of the green card as ASSA-2. He further asserted that he was the first registered owner of the property.
27. The accused principally states that the complainant approached the Malindi ELC court vide MALINDI PETITION NO. 10 OF 2023 ALI HAIDAR ALI & OTHERS v FARHIYA SHEIKH MOHAMED & OTHERS that sought among other orders cancellation of titles issued to the accused and one Farhiya Sheikh and which titles form the substratum of this case.
28. He further stated that the petition was heard and determined and the same was dismissed after the court found that the complainant obtained the allotment letters when they were under age without compliance with the Public Trustee Act and that they even never complied with the conditions set out in the letter of allotment. He produced a copy of that judgment as an exhibit marked ASSA-7.

Submissions.

29. I have considered the submissions dated 21st August 2025 and 21st October 2025 both filed in favour of the accused person. The prosecution chose to rely on the evidence on record which evidence I have duly considered alongside the submissions.

Issue For Determination.

30. The sole issue for determination is whether the prosecution has proved all the 4 counts as against the accused person beyond any reasonable doubt.

Analysis And Determination.

Count 1: Obtaining registration of land certificate by false pretenses contrary to section 320 of the Penal code

31. Section 320 of the Penal Code provides that:
320. Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence is guilty of a misdemeanor and is liable to imprisonment for one year.



32. On the other hand, section 312 of the same Code defines “false pretence” thus:
312. Any representation, made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.
33. The document which the accused is alleged to have obtained and/or procured by falsely pretending is LAMU /MANDA ISLAND/381. The state asserts that the accused falsely pretended to the initial bonafide owner of the said piece of land.
34. The ingredients of the offence of false pretence from the definition are that;
- a. There must be a representation on matters of fact about the past or present;
 - b. That representation must be false and it must have been made with the intent of defrauding someone of his property.
 - c. It must have been acted upon to the disadvantage of the complainant.
35. The prosecution must therefore prove these ingredients to succeed in the case of obtaining registration by false pretence. These ingredients were also ably discussed by the court of appeal in Criminal App. No 12 of 1989 Mathlida Akinyi Oware v Republic [1989] eKLR(Apaloo, Masime JJ A & Gicheru AgJA).
36. The offence of obtaining by false pretence means knowingly obtaining another person's property by means of a misrepresentation of fact with intent to defraud. For the offence of obtaining by false pretences to be committed, the prosecution must prove that the accused had an intention to defraud and the thing is capable of being stolen.
37. Perhaps the most explicit exposition of the ingredients of the offence of obtaining by false pretences is to be found in the decision rendered by the Nigerian Supreme Court on in the case of Dr. Edwin U. Onwudiwe v Federal Republic of Nigeria SC. 41/2003 where the court stated in order to succeed in a charge of obtaining by false pretences, the prosecution must prove:-
- a) that there is a pretence;
 - b) that the pretence emanated from the accused person;
 - c) that it was false;
 - d) that the accused person knew of its falsity or did not believe in its truth;
 - e) that there was an intention to defraud;
 - f) that the thing is capable of being stolen;
 - g) that the accused person induced the owner to transfer his whole interest in the property.”
- The offence could be committed by oral communication, or in writing, or even by conduct of the accused person. However, an honest believe in the truth of the statement on the part of the accused which later turns out to be false, cannot found a conviction on false pretence. The above adequately presents the law as in the Penal Code.”
38. Before applying the ably set out ingredient and principles to the facts of this case, it would be remis of me if I don't mention for completeness of record the existence of an ELC matter involving the complainant and the accused herein vide MALINDI ELC PETITION NO. 10 OF 2023 and which



involved the registration of the parcel number Lamu/Mandaisland/381. That petition was instituted at the instance of the complainant and it was dismissed for among other reasons that the complainant herein and others who were petitioners did not have capacity to acquire land without trustees given that they were minors and that notwithstanding they did not comply with the conditions of the allotment letter.

39. The findings made by the specialized court regarding the subject matter and the parties herein are not mere findings but findings that have a bearing in this matter and which are also binding to me as a lower court.
40. Be that as it may I will have that at the back of my mind as I consider this case. The accused in his defence states that he was the 1st person to be registered as the owner after following the due process and after complying with the conditions as set out in the allotment letter. The green card produced by the state confirms as much on entry No.1.
41. During the cross examination of Pw1 Ali Khaidar Ali he admitted that when the allotment letter was issued to him or in his name on 15/7/1998 he was 6 years and further admitted the findings of the ELC court that he could not own property in his own name and that of Qais without a trustee. He further admitted that payment as per the allotment letter was to be done within 30 days and the payment receipt produced in evidence shows that payment was made sometimes in 2022 way after the 30 days. These were the exact findings of the ELC Court in Malindi.
42. The complainant further admitted that he intended to have it registered in the year 2022 way after the lease by the accused had been registered and lease title issued to him by 11/6/2021. He indicated that the said lease was fake.
43. From those uncontested facts, it is clear that the accused followed the laid down procedures of acquiring a lease but most importantly complied with the conditions of the allotment letter. It should not be lost on any of us that the accused did all these in 2021 whereas the complainant started the process in the year 2022 by his own admission.
44. Given the uncontested facts, can it be said that there is a pretence? in my humble view there is none. It is not disputed that the accused obtained the allotment letter way before the complainant and the land was in the name of the government and once he obtained the lease for 99 years the title was issued in his name from the government and not the complainant.
45. Secondly can it be said that the pretence emanated from the accused person; having found there was no pretence, it naturally follows that they never from the accused since they never existed in the first place. Similarly that it was false; it has not been demonstrated by evidence which falsity the accused employed in the entire process of obtaining the registration documents. Infact I dare say there was water tight compliance with the law in the process and no irregularity was flagged by the ELC court on the part of the accused.
46. Can it be said that the accused person knew of its falsity or did not believe in its truth; In my view not at all. He applied for an allotment letter, complied with the conditions set out therein and a lease title was issued to him. The land was initially registered in the name of the government of Kenya and there was no other proprietor and finally that it cannot be said that the accused person induced the owner to transfer his whole interest in the property. There was no inducement on the part of the accused to have the interest transferred to him, he followed the laid down procedures and complied with the law relating to its acquisition.



47. Given the ingredients aforementioned, the proper complainant ought to be government of Kenya and not the complainant. It would have held water if he was the initial registered owner and the accused purports to register it in his name by transferring it to himself.
48. The prosecution presented a land registrar(Pw 4), who took the position that the registration appeared to be above board, as it was supported by appropriate documentation, necessary for the purposes of such registration only on or about the 18/11/2022 he received another set of documents for registration over the said parcel of land and he could not effect the registration as it would amount to duplication of records and the documents by the complainant were not registered.
49. Land acquisition procedures are well recognized and the systematic steps towards the same are to guard fraudulent dealings, going by the definition of the offence in Section 320 of the penal code the prosecution did not prove that it is the accused person who procured registration by false pretence.
50. It is therefore based on the foregoing that none of those ingredients to sustain the charge have been met and as such count 1 fails.

Count 2 & 4: forgery contrary to section 345 as read with 349 of the Penal code.

51. Section 345 of the Penal code provides as follows;

“Forgery is the making of a false document with intent to defraud or to deceive.”

52. Section 349 of the Penal code on the other hand provides as follows;

“ Any person who forges any document is guilty of an offence which, unless otherwise stated, is a felony and he is liable, unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided, to imprisonment for three years.”

53. It is said that the accused forged an allotment letter purporting to be an original allotment and that he further forged fee receipt No. 5726674 purporting to have made payments to the lands office.
54. In Elizabeth Achieng Nyanya v Republic (2018) eKLR, Hon. Lady Justice Aburili referred to the Nigerian case of Alake v The State where the Court listed the ingredients of the offence of forgery as follows:
 - a. That there is a document in writing
 - b. That the document or writing is forged
 - c. That the forgery is by the accused person
 - d. That the accused person knows that the document or writing is false
 - e. That he intends the forged document to be acted upon to the prejudice of the victim in the belief that it is genuine.

55. In order to prove these counts, a document examiner (Pw 7) was called to testify and he consequently produced his report as an exhibit. With tremendous respect to him and the industry put in compiling the report, the same was of less probative value when subjected to count 2 and 4. This is why; the report focused on pleadings and transfer forms purportedly signed by counsel (Pw 2). The said witness distanced himself from ever preparing and/or witnessing transfer forms for 380 and 381 and signing the lease document. The documents listed in the said counts are an allotment letter and a receipt.



56. For a thing to be forged or said to have been forged, the original thing has to be compared with the one said to have been forged just like the signatures on the transfer and the pleadings were done, in that the document examiner compares the original(known) against the fake in order to make a finding as he did.
57. Pw 7 never compared the contents of the original allotment letter and the receipt with an alleged fake allotment letter or a receipt. In my view in order to prove that the accused forged the allotment letter and the receipt, the court ought to have shown the known documents and the fake documents in order to draw an inference of forgery on any of those documents. That was not done. There is such no evidence in support of counts 2 and 4 on the record. The evidence and the report make reference to documents that aren't said to have been forged by the accused. It is not even suggested that it is the accused who made those signatures. It is funny if not appalling how the said advocate does not deny or allege forgery of the stamp but the signature.
58. We are well aware of what happens to stamps of advocates when they are not in the office or even better still we might be aware of advocates instructing their staff and/or clerks to stamp and ape their signatures when they are not in the office and they are not willing to let commissioning or witnessing fees pass them. This is more common with affidavits. I say this both with experience from practice but not as the perpetrator of such and also from decided cases where such issues were raised.
59. Turning now to the analysis of the documents said to have been forged to wit the allotment letter and the receipt. It is said the accused forged the allotment letter dated 9/7/1998. The accused produced the said allotment letter in evidence. As observed none of its contents were subject to examination as to report whether it is forged or genuine. So on a technical point of view there is no expert report to even suggest that the said allotment letter was forged. It is also not clear what action is attributed to the accused to say that he forged it.
60. The allotment letter by the complainant Ali Haidar Ali and Mohamed Qais Abubakar is dated 15/7/1998 and speaks of an area of 17.5 hectares, standard premium is indicated as Kshs.20,000/= and annual rent as Kshs.4,000/= and total amount payable is Kshs.28,850/= on the other hand, the one produced by the accused is dated 9/7/1998 the area is indicated as 17.0 hectares, standard premium is indicated as 40,000/=, annual rent as Kshs.8,000/= and the total amount payable is Kshs.52,780/=. Other than those striking difference, there is no evidence that has been led to show how and where in that allotment letter there are traces of forgery.
61. Turning on to the receipt, it is said that receipt number 5726674 was forged on the 17/6/2021. Pw 8 in his testimony stated that the internal memo dated 23/8/23 confirmed that indeed receipt number 5726674 for Kshs.52,780/= and No. 5726675 for Kshs.29,365/= both dated 17/6/2021 were not in the analysis book. That statement was true in so far as it reflected the contents of the internal memo dated 23/8/2023.
62. Sadly, this being a court of law and evidence, a mere memo is not conclusive proof of the absence of the receipt. To the very least the prosecution could have availed the said analysis book that informed the contents of the memo for the court's independent confirmation that it is not in the analysis book for the said date when the payment is alleged to have been made. Furthermore, and more importantly, such receipts are always issued in duplicate or triplicate and counterfoils for such retained by the land's office. In order to proof their point, the counterfoil that is usually sequentially serialized would have spoken the truth. It is not denied that those receipts were issued by the ministry. What is denied is the fact that they are not in the analysis book which is prepared by the land's ministry and to which the accused has no access or control over.



63. Their absence in the analysis book cannot therefore be blamed on the accused person and be the basis upon which a claim of forgery is founded. It is also telling why even the said analysis book was not availed to DCI or even the court and it is even more sad that the DCI relied on the said memo dated 23/8/2023 and the forwarding letter to DCI dated 13/9/2023. I would have in the ordinary cause of business expect that the DCI would examine the said analysis book and the counterfoils for the receipts and for instance find that the receipt number in question was issued to someone else and not the accused and was for a different amount.
64. It would be an absurdity for this court to make a finding that such a document was forged on the basis of an internal memo dated 23/8/2023 and in the absence of any expert report. By the way both receipts were never produced in evidence. Even the lands office could not provide a copy but conveniently produced one dated 7/7/2021 in favour of Ali Haidar Ali and another for Kshs.28,550/= and further certified it as a true copy from the records section. I wouldn't wish and it is not in my place to impute improper motive on anyone so I will leave it at that.
65. With regards to count 4 am still wondering how the investigator(s) arrived at a finding that receipt number 5726674 was forged when such a receipt has never been produced as an exhibit or even subjected to analysis and scrutiny by the expert. I agree with the accused person in his submissions dated 21st August 2025 on this issue.
66. I have said enough I therefore proceed to make a finding and which I hereby do that based on the foregoing, count 2 and 4 were not proved beyond reasonable doubt as none of the ingredients as set out in the case of Elizabeth Achieng Nyanya v Republic (2018) eKLR. (supra) were proved.

Count 3: Uttering a false document contrary to section 353 of the Penal code.

67. Under Section 4 of the Penal Code, the word “utter” means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with, or act upon the thing in question.
68. Section 353 of the Penal code provides as follows;
- “ Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the thing in question”
69. According to the above definitions therefore, the offence is only established if the false uttering is made “knowingly” and “with intent to defraud”. The person who utters must therefore do so with the knowledge that the document is false and must have, in the cause of uttering, the intention to defraud. This therefore means that the person to whom the document is uttered is made to take action or steps or fail to take steps or action which save for the thing uttered to him, he would not have taken or vice versa (see the Court of Appeal case of Kepha Moses Mogoi v Republic [2014], eKLR.
70. No evidence was adduced to prove that the allotment letter was forged and therefore false, no evidence was adduced to prove that the accused knew that the document was false and intended to use it to defraud, no evidence was adduced to show that the accused is the one who placed the alleged allotment letter before the land's office on the 9th of July 1998.
71. None of the witnesses by the state could tell who presented/uttered the allotment letter for registration and/or processing and for that reason alone if not for anything the charge should fail. Ordinarily when such documents are lodged a record as to who lodged and when it was lodged is kept by the registry.



No such evidence was adduced and only the lands office officials know best why the same could not be produced in court.

72. Uttering as previously stated is the use of the false document. When a person uses a document knowing it is a false document that person is guilty of the offence of uttering. A conviction for uttering can be founded on document forged, even innocently forged, if the person knowing it was forged used it to cause someone to use as if it were genuine: See persuasive case of R v Dunlop (1857) 15 UCQ 118. Uttering is the act of knowingly passing on a false document or using it.
73. In my view no attempts were made by the prosecution to demonstrate that the accused used the allotment in question in any way while knowing it is false and used it in such a manner that it would be perceived as genuine.
74. The land registrar (Pw 4) in his testimony did not in any way suggest that there was anything amiss with the documents that were registered in favour of the accused and he was clear that as per the records there was a white card where the lessor is the government and the lease is the accused person.
75. With that it is evidently clear that the prosecution did not discharge its burden and never did justice to this count and it must as of necessity fail.
76. I have had the occasion to peruse and read the judgement in the Malindi Environment and Land Court ELC Petition No. 10 of 2023 and further it became apparent that an allotment letter was issued to the complainant and which had conditions which if not strictly adhered to then the offer lapsed automatically. The complainant admitted not to have complied with the terms as contained in the allotment letter and this is notwithstanding the fact that he had no capacity to own property or that piece of land on account of age. The ELC court made a similar finding and dismissed the claim by the complainant herein. This therefore means that any other person including the accused herein would be entitled to get that particular allotment letter since the offer had lapsed.
77. It was apparent during the hearing of the matter that the accused indeed complied with what was required of him and the land was registered in his name. How on earth can it be said that he forged, uttered and/or obtained by false pretenses? The ELC judgement has not been appealed and I concur with the findings of the learned judge on the issue of the inability of the complainant herein to own property then and the fact that he did not comply with the terms and conditions as contained in the allotment letter.
78. As has been apparent in this case it is my sincere hope that with ardhi sasa being rolled out in faces and yet to get to Lamu county will incorporate full digitization with tamper proof audit logs, codified procedures to reduce discretion as well as mandatory chain of title certification and most importantly criminal sanctions and personal liability for officers within the land's ministry. Furthermore, there is urgent need to establish an independent land fraud forensic unit to specifically handle such cases and brought all those culpable to book.
79. As I end, it would be remis of me if I do not reiterate that *the constitution*'s guarantee of secure property rights is only as strong as the institutions mandated to protect the register. Enough said.

Disposition.

80. The upshot is that counts 1,2,3 and 4 have not been proved beyond any reasonable doubt.
81. The accused is as a consequence thereof not found guilty in each of those counts and he is accordingly acquitted in each of them under section 215 of the Criminal Procedure Code.
82. Those shall be the orders of this court.



DATED, SIGNED AND DELIVERED AT LAMU LAW COURTS THIS 25TH DAY OF NOVEMBER 2025.

F.M. MULAMA.

RESIDENT MAGISTRATE

In the presence of:

Ahmed Omar for DPP.

Mr. Mwanzia for the accused.

Anwar Sheikh Said.

Court Assistant:- Daniel Joshua & Fathiya Loo

