



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Mwangi (Criminal Case E002 of 2026)
[2026] KEHC 5839 (KLR) (Crim) (4 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 5839 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
CRIMINAL
CRIMINAL CASE E002 OF 2026**

KW KIARIE, J

MAY 4, 2026

BETWEEN

REPUBLIC PROSECUTOR

AND

BENSON MAINA MWANGI ACCUSED

RULING

1. Benson Maina Mwangi, the accused, opposed the production of a statement that the prosecution contended he made. He alleged that he made the statement under coercion.
2. On the other hand, the prosecution maintained that he made the statement voluntarily, and the allegation of coercion was denied.
3. Chief Inspector Peter Kamau stated that he followed all required procedures before taking the statement from the accused when he was called upon. The only complaint from the accused was a backache and numbness in one leg, which he attributed to sleeping in the police cells. He said he did not use any force to obtain the statement from the accused. The accused confirmed this during cross-examination.
4. CIP Philis Wairimu Nderitu (PW3) testified that while during her routine visits to the police cells, the accused informed her that he wanted to have a session with the investigators. She therefore contacted Sgt. Mohammed Hassan. This was confirmed by Sgt. Mohammed Hassan (PW3).
5. During testimony in the trial within a trial, the accused claimed that he received a prerecorded statement, which he was asked to copy by hand. This was a deviation from the original allegation, but, most notably, Chief Inspector Peter Kamau (PW1) was not challenged on this point. This was clearly an afterthought.



6. The accused gave out the name of a preferred witness who was called to be present. This was Joyce Wangui (PW2), who was a very close friend of his mother. Her evidence was that when she was taken to the police station, the accused informed her that he had sent for her.
7. After reviewing the evidence presented during the trial within a trial, I conclude that the accused was not forced to make his statement. Therefore, the objection to admitting it as an exhibit is overruled.

DELIVERED AND SIGNED AT NYANDARUA, THIS 4TH DAY OF MAY 2026

KIARIE WAWERU KIARIE

JUDGE

