



Republic v EJ (Criminal Case 18 of 2009) [2025] KEHC 11866 (KLR) (6 August 2025) (Ruling)

Neutral citation: [2025] KEHC 11866 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL CASE 18 OF 2009
RN NYAKUNDI, J
AUGUST 6, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

EJ ACCUSED

RULING

1. Eunice Jeptekweny (hereinafter referred to as the said accused) was on 23rd day of April 2009 charged before the High Court at Eldoret in Criminal Case No 18 of 2009 with the offence of murder, C/ Section 203 as read with 204 of *Penal Code*.
2. Following the indictment, the court conducted the inquiry on the 4.6.2009 and it was of the opinion that the said accused was of unsound mind and incapable of making his defence and pursuant to the provisions of Section 162(4) of the *Criminal Procedure Code* ordered him to be detained as a criminal mental patient pending further order.
3. The prosecution has since reviewed the entire indictment and in exercise of the powers conferred by Article 157 (6) © and 157 (9) of *the Constitution* of Kenya and delegated to me by legal Notice No 134 of 2011, I hereby enter Nolle Prosequi in the matter and inform this Honourable Court that the proceedings against EJ who was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code* cap 63 Laws of Kenya shall not continue.
4. I am of the considered view that the Director of Public Prosecution has exercised the constitutional mandate for the best interest of the accused given the compelling and substantial circumstances surrounding the indictment of the accused. This court acting on those instructions discharges the accused person and she is hereby handed over to a family to continue monitoring the enforcement of her health rights.
5. Orders accordingly.



GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 6TH DAY OF AUGUST 2025.

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R. NYAKUNDI

JUDGE

