



**Republic v Muthiani (Criminal Case 7 of 2019)  
[2024] KEHC 9559 (KLR) (27 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 9559 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL CASE 7 OF 2019  
GMA DULU, J  
JUNE 27, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**CHRISTOPHER MUSYOKA MUTHIANI ..... ACCUSED**

**RULING**

1. In cross-examination regarding the evidence of PW9 Chief Inspector Pius Chelimo, the defence raised issues that challenged the process and procedure of obtaining the statement recorded from the accused person.
2. As a consequence, this court considered the contents of the statement to have been challenged as well as its admissibility in evidence.
3. The court thus treated the statement as contested and gave the appellant a chance to tender evidence to challenge the statement in a trial within a trial, and be cross-examined in order to determine its admissibility.
4. When the accused was however given a chance to tender evidence on his side on what might have transpired regarding the recorded statement, he elected to keep quiet which is his constitutional right.
5. In effect therefore, the statement which had already been produced in evidence as exhibit 8 not being challenged as to its admissibility, is hereby admitted in evidence, and will be considered alongside other evidence in determining this case.

**DATED, SIGNED AND DELIVERED THIS 27<sup>TH</sup> DAY OF JUNE 2024 IN OPEN COURT AT VOI.**

**GEORGE DULU**

**JUDGE**



In the presence of:-

Alfred/Trizah – Court Assistants

Mr. Sirima for State

Mr. Mosioma for accused – virtual

Accused – virtual

