Officer Affidavit Identifying Procurement Role Charges and Review Decisions

Educational sample 137 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

AFFIDAVIT

1. I am [officer reference] and identify my role and the documents already in the judicial review and appellate record. I do not speak for every committee member without an identified source.

2. C1 contains the appointment or role record and the relevant committee documentation. It identifies attendance, voting or record keeping only to the extent actually evidenced.

3. C2 is the charge sheet and C3 contains the investigation recommendation and prosecutorial communication available in the record. Each count and decision is distinguished; the sample does not assume that they have identical elements.

4. C4 contains the High Court review orders and the Court of Appeal judgments. The procedural chronology identifies existing stays and their scope, if any.

5. The merits of the alleged offence and competing valuations remain contested. This affidavit does not assert a final acquittal, add a new defence, or supply documents withheld from the existing appellate record.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

This is an illustrative affidavit identifying existing records, not permission to add fresh appellate evidence. State the deponent's authority, personal knowledge and source of information. Verify each exhibit and page reference. Obtain leave or directions where an additional affidavit is required; new evidence requires the applicable admission procedure. Complete the jurat before a competent Commissioner for Oaths. The public sample is unsworn and contains no exhibits. An affidavit is not legal submissions.

Exhibit schedule: [label]; [document date]; [description]; [existing record pages or basis of admission]. Do not append invented or missing records.

Source and procedural limits

Tender committee members and an officer of a state corporation challenged investigation and prosecution over rig moving services. The High Court granted judicial review relief, which was reversed on appeal. The Supreme Court considered the lawful scope of review and whether the criminal trial should proceed.

The Supreme Court dismissed the consolidated appeals and directed the Milimani anti corruption case to proceed on priority. Each party bore its own costs. Judicial review can examine legality and rationality, but it is not a replacement trial deciding the strength of the criminal defence.

Constitution Articles 47, 157 and 163(4)(a); Fair Administrative Action Act and judicial review limits. Distinguish abuse of prosecutorial power from disputed evidence, procurement valuation and trial defences. Allegations of innocence do not by themselves prove an unlawful decision to prosecute.

[2023] KESC 6 (KLR) — 27 January 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=627

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.