



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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When Replying Please quote

Ref. No. MSA/ADV/7(20)

Date: 22nd August, 2013

BFIU
MOMBASA

ATTENTION: Mr Japheth Gekonge
OC Banking Fraud Investigations

RE: CR. 343/234/2013 CF 1317/2013
ACCUSED: WILLIAM OLIVER RUDDICK AND 5 OTHERS

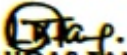
I acknowledge receipt of your letter dated 21st August, 2013 ref. CID/BF/INV/SEC/4/VOL. IV/60/01.

I have perused the resubmitted file pursuant to my earlier directions and specifically reports housed in sub-file J-9 and J-12.

From the reports the Central Bank confirms that from the facts of the case no offence is disclosed under the Central Bank of Kenya Act and also the Kenya Revenue also confirms that no offence is disclosed from the facts of the case under the value Added Tax (VAT) Act, and complied with my earlier observations in my letter dated 8th July, 2013. I would therefore agree with your recommendations that this case against the accused persons be withdrawn.

I do therefore direct that the criminal case against the 6 accused persons be withdraw under section 87(a) of the Criminal Procedure Code. But this matter should be placed before department responsible for policy and legal matters of the Central Bank for their consideration in future policymaking decisions and reviews of the relevant laws.

Proceed accordingly. Duplicate file is hereby returned for your further action.


LUCAS TANUI
PROSECUTION COUNSEL
FOR: DIRECTOR OF PUBLIC PROSECUTIONS

Encs
/eva