

The study begins by acknowledging that corruption is a matter of grave concern in Kenya today. As such, the investigation, prosecution and punishment of those engaging in the vice is a matter of grave public interest. Unfortunately, the study laments, Kenya does not have a good record in the successful investigation, prosecution and conviction of perpetrators of major corruption scandals. It notes that the judiciary has prohibited the investigation and prosecution of a number of corruption cases. Some of the cases prohibited involved the twin scandals of Anglo- Leasing and Goldenberg. Through an analysis of seven significant cases on corruption, the study examines the legal justifications of the decisions. Its main focus is to establish the extent to which the judiciary gives effect to public interest when dealing with corruption cases. The study argues that the public has a right to subsist in an environment that is conducive to development to enable them to meet their basic needs and the state to provide basic services. Public interest therefore demands thorough investigation, prosecution and punishment of perpetrators and restitution of property acquired through corruption. The study also seeks to establish the effects of the decisions on the quest for accountability for those responsible for major scandals. Upon conducting analysis of the selected cases, the study established that the decisions were riddled with glaring errors and inconsistencies with previous holdings. It faults the judiciary for selective application of the law. It argues that the effect of the jurisprudence created by the selected cases is to paralyze investigation and prosecution of perpetrators of major scandals and to unconstitutionally amend the Constitution. It further argues that the judiciary is insensitive to public interest. It further finds that as a result of external influence, particularly through the exercise of politics and power, the judiciary lacks independence. The study concludes by suggesting necessary reforms which include; enhancing the independence of the judiciary, mainstreaming of anti-corruption laws and principles in the Constitution, and strengthening institutions important for fighting corruption.