



Kibet & 6 others v Inspector General of Police & 2 others (Miscellaneous Criminal Application E216 of 2024) [2024] KEHC 16495 (KLR) (30 December 2024) (Ruling)

Neutral citation: [2024] KEHC 16495 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E216 OF 2024**

**DR KAVEDZA, J
DECEMBER 30, 2024**

BETWEEN

- GIDEON KIBET 1ST APPLICANT**
- RONNY KIPLAGAT 2ND APPLICANT**
- STEVE KAVINGO MBISI 3RD APPLICANT**
- BILLY MWANGI 4TH APPLICANT**
- PETER MUTETI 5TH APPLICANT**
- BENARD KAVULI 6TH APPLICANT**
- KELVIN MUTHONI 7TH APPLICANT**

AND

- INSPECTOR GENERAL OF POLICE 1ST RESPONDENT**
- DIRECTOR OF THE DIRECTORATE OF CRIMINAL INVESTIGATIONS 2ND RESPONDENT**
- DIRECTOR OF PUBLIC PROSECUTIONS 3RD RESPONDENT**

RULING

1. The applicants have moved this court through an application dated 29th December 2024 seeking an order of habeas corpus to have the respondents herein produce their bodies before court. The application is brought under the High Court Vacation Rules, Articles 25(d) and 51(2) of [the Constitution](#) of Kenya and section 389 of the [Criminal Procedure Code](#).
2. The application is supported by the Affidavit sworn by Honourable Senator Okiya Okiya Omtata on even date. The gravamen of the application is that the applicants went missing on various and diverse



dates within the month of December and that efforts by the applicants' kin to trace their whereabouts has proven futile.

3. After carefully considering the application, the Supporting Affidavit and the annexures thereto, I note that the application centres on the non-derogable right to habeas corpus as enshrined under Article 25(d) of *the Constitution*. The application further alleges unlawful and unjustified limitation of the right to liberty and the right to life of the applicants. Accordingly, I hereby make the following orders:
- i. This application is certified as urgent and is admitted for hearing during the current High Court Vacation.
 - ii. The Respondents are hereby directed to forthwith produce the bodies of Gideon Kibet, Ronny Kiplagat, Steve Kavingo Mbisi, Billy Mwangi, Peter Muteti and Kelvin Muthoni physically on 31st December 2024 at 9:00 am before the Duty Judge at Milimani High Court.
 - iii. That further, the Respondents are directed to explain why the said Gideon Kibet, Ronny Kiplagat, Steve Kavingo Mbisi, Billy Mwangi, Peter Muteti and Kelvin Muthoni have not been produced in court within 24 hours as required under Article 49(1)(f) of *the Constitution* of Kenya.
 - iv. That further to order (III) above, the Respondents are directed to explain why the said Gideon Kibet, Ronny Kiplagat, Steve Kavingo Mbisi, Billy Mwangi, Peter Muteti and Kelvin Muthoni have not been released on bail/bond since the date of their apprehension.
 - v. The Applicant, Honourable Senator Okiya Omtata is directed to serve the Respondents with the application and this ruling before close of business today, 30th December 2024.
 - vi. For avoidance of doubt, this matter shall be mentioned PHYSICALLY before the Duty Judge at Milimani High Court, Criminal Division on 31st December 2024 at 9:00am.

RULING DATED AND DELIVERED THIS 30TH DAY OF DECEMBER 2024

D.KAVEDZA

JUDGE

