



**Republic v Wachira (Miscellaneous Criminal Application E155 of 2024)
[2024] KEHC 15875 (KLR) (18 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15875 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E155 OF 2024**

**DR KAVEDZA, J
DECEMBER 18, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

ESTHER WAMBUI WACHIRA RESPONDENT

RULING

1. The applicant filed a notice of motion dated 30th September 2024, seeking an order for the release of a motor vehicle registration number KDH 690D. This application is supported by an affidavit of similar date, sworn by the Senior Principal Prosecution Counsel Allen Mulama.
2. From the record, the applicant filed the present application on 7th October 2024 and directions were issued by this court on the same date, where the applicant was directed to serve the respondent with the application within 7 days. The matter was set down for hearing on 5th November 2024.
3. On 5th November 2024, the applicant had not served the application upon the respondent. The Court gave the applicant additional time to serve the respondent with the application to enable her respond.
4. The matter was set down for further hearing on 25th November 2024. On the said date, the applicant had still not served the respondent. They sought for more time. The applicant prayed and were granted additional time. On 18th December 2024, the applicant had still not served the respondent with the application.
5. It is noteworthy that the delay in determining this application has been occasioned by the applicant. It is my view that the applicant is not interested in prosecuting their application.
6. For the foregoing reasons, the application is dismissed for being an abuse of the court process.

Orders accordingly.



RULING DATED AND DELIVERED VIRTUALLY THIS 18TH DAY OF DECEMBER 2024

D. KAVEDZA

JUDGE

