



**Okute v Republic (Miscellaneous Criminal Case E190 of 2023)
[2023] KEHC 18190 (KLR) (Judicial Review) (29 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18190 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
MISCELLANEOUS CRIMINAL CASE E190 OF 2023**

DR KAVEDZA, J

MAY 29, 2023

BETWEEN

SETH STEVE OKUTE APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. I have gone through the Notice of Motion application dated May 18, 2023 filed under certificate and the affidavit of Wandugi K. Karathe, the applicant's advocate, of even date. The applicant seeks orders that this court be pleased to call for the record of the lower court file, Milimani Chief Magistrate Miscellaneous Case No E838 of 2023, to examine the correctness, propriety and legality of the order issued on March 20, 2023 under sections 362 and 364 of the [Criminal Procedure Code](#) (CPC) and articles 159 and 50 of the [Constitution](#).

Having considered the same, I issue the following orders: -

- a. That this matter is not certified urgent.
- b. That the applicant to serve the respondent with the application and the order of this court within three (3) days from the date hereof.
- c. That the respondent to file a response within five (5) days of service.
- d. That the lower court file to be availed on or before 7/6/2023 without fail.
- e. That the matter be mentioned on 16/6/2023 for directions.

RULING READ AND DELIVERED ON 29TH DAY OF MAY 2023.



D. KAVEDZA
JUDGE

