



REPUBLIC OF KENYA



KENYA LAW
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**Director of Public Prosecution v Ndula & 8 others (Criminal Revision
E233 of 2023) [2023] KEHC 17657 (KLR) (25 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17657 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL REVISION E233 OF 2023
SC CHIRCHIR, J
MAY 25, 2023**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTION APPLICANT

AND

WILBERFORCE NDULA & 8 OTHERS RESPONDENT

RULING

1. When this matter came before me on 20.4.2023, I granted prayer 4 in respect of the application dated 21.3.2023, and indicated that ruling will be delivered on 25.5.2023. Though an Application for Revision need not involve the opposing party, looking at the issues raised in this case and the contest that went on in the lower court, I consider it fair to allow the respondents to respond and address the court in this issue.
2. Consequently, I hereby review and set aside the directions I gave on 20.4.2023 limited to the date of the delivery of the ruling and consequently make the following orders.
 - a. The directions given on 20.4.2023 are hereby set aside, limited as aforesaid.
 - b. It is substituted by the following orders
 - i. The applicant to serve the notice of motion dated 21.3.2023 on the Respondents within 3 days
 - ii. The Respondents to file their responses within 7 days
 - iii. Mention on 12.6.2023 for directions on the hearing of the Application
 - iv. For avoidance of doubt, the order of stay of proceedings pending the hearing and determination of the Application is hereby extended.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 25TH DAY OF MAY, 2023



S. CHIRCHIR

JUDGE

In the presence of;-

Erick- Court Assistant

Ms. Odumba for the Applicant

