



REPUBLIC OF KENYA



KENYA LAW
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**Bukoshe v State (Bankruptcy Cause 8 of 2014)
[2023] KEHC 24103 (KLR) (25 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24103 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
BANKRUPTCY CAUSE 8 OF 2014
RE ABURILI, J
OCTOBER 25, 2023**

BETWEEN

SUSAN O BUKOSHE APPLICANT

AND

STATE RESPONDENT

RULING

1. From the documents filed by the Applicant Susan Ombuya Bukoshe, she was gazetted vide Gazette Notice No. 9910 of 27th November 2020 to be Bankrupt on account that she was unable to pay debts.
2. The Gazette Notice was issued by the Official Receiver, Mark Gakuru. It is dated 12th September 2020.
3. That being the case, only the Official Receiver can apply before this court for appropriate orders.
4. If the applicant is facing criminal charges, it is incumbent upon her to place before the trial court appropriate material to persuade the trial court that she cannot be prosecuted since she is Bankrupt.
5. It is not for this court to stay criminal proceedings on her application in these Bankruptcy proceedings as that would amount to hearing a petition staying and or seeking to quash criminal proceedings in Bankruptcy proceedings.
6. There are avenues by which the Applicant can approach this court through the Official Receiver.
7. In the circumstances, I find the application dated 12th October 2023 to be incompetent and the same is struck out.
8. I so order and close the file.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF OCTOBER, 2023.

R.E. ABURILI



JUDGE

