



**Mutshipay v Republic (Criminal Appeal 23 of 2023)
[2023] KEHC 25746 (KLR) (27 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25746 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL 23 OF 2023
DR KAVEDZA, J
NOVEMBER 27, 2023**

BETWEEN

YANNICK KAMATE MUTSHIPAY APPLICANT

AND

REPUBLIC RESPONDENT

RULING

- 1 I have considered the notice of motion application dated November 23, 2023, filed under certificate of urgency and the supporting affidavit of the applicant, Yannick Kamate Mutshipay, of even date. The applicant seeks orders, inter alia, that pending the hearing and determination of the application herein, the Airplane duly registered by the Federal Aviation Administration under N727YK remains at the JKIA and shall not be leased, charged, sold, auctioned, taken out of the facility or interfered with by the Respondent, complainant or any other party.
- 2 I however note that the document examiner’s report is not annexed to the application. I therefore decline to certify the matter urgent at this juncture and direct as follows:
 1. This matter in not certified urgent.
 2. The lower court file and a certified record of proceedings shall be submitted to the High Court at the earliest opportunity as per the court orders dated 27/9/2023 and 19/9/2023 respectively.
 3. The application and order of this court to be served upon the respondent within 7 days from the date hereof.
 4. Upon service, the respondent to file a response within 14 days.
 5. This matter shall be mentioned on 12/2/2024 for directions as earlier directed.

Orders accordingly.



Ruling dated and delivered in the absence of parties this 27th day of NOVEMBER 2023.

D. KAVEDZA

JUDGE

