

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 2 OF 2022

(ORIGINATING FROM KISUMU CRIMINAL REVISION NO. E001/2022)

SEROGO ALEX.....1ST APPLICANT

MUMUPOREZE ANN.....2ND APPLICANT

KEZIA ALICE.....3RD APPLICANT

MUNYARUGAMBA ERICK.....4TH APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have perused the 2 applications by the applicants. The first applications seeks leave to be heard during the recess. I grant leave to be heard during the recess. The second application seeks for various orders and challenges the correctness, legality and propriety of the orders made on 30/11/2021 in Kisumu CM's court Cr. Case No E1425 of 2021 by Hon. J. Wambilyanga (SPM). The applicants also seek to halt the deportation order of the said court and pray for status quo.

2. I am satisfied that the application is urgent and deserves consideration *ex parte* in the first instance. I certify it as urgent and make the following orders:

(1) The application to be served upon the Office of Director of Public Prosecutions, Kisumu and the Directorate of Immigration and Registration of persons forthwith for interpartes consideration before the recess duty judge on 13/1/2022.

(2) Pending interpartes consideration of the application, a temporary stay of execution of the deportation Order made on 30/11/2021 be and is hereby issued, prohibiting the Directorate of Immigration and Registration of Persons or the National Police Service or any office holder responsible for enforcing the deportation Order of 30/11/2021 made in Kisumu CM's court Cr. Case No. E1425/2021 against all the applicants/convicts; Serogo Alex, Mumuporeza Ann, Kezia Alice and Munyarugamba Eric.

(3) The entire court record in Kisumu CM Cr. E1425/2021 is hereby called into this court for perusal and consideration by the recess duty court.

(4) These proceedings and order to be typed/extracted and signed and forthwith sent to Kisumu High Court for further necessary action.

3. Order accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 7TH DAY OF JANUARY, 2022

R.E. ABURILI

JUDGE