



**Mwai v National Election Board (ODM) & 5 others (Constitutional
Petition 1 of 2022) [2022] KEHC 10545 (KLR) (22 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10545 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CONSTITUTIONAL PETITION 1 OF 2022**

RE ABURILI, J

JUNE 22, 2022

(ORIGINATING FROM NAIROBI CONST. PETITION NO. E259/2022)

**IN THE MATTER OF ALLEGED VIOLATION OF ARTICLES 38(3), 10(2), 19, 20, 21, 75 & 232
OF THE CONSTITUTION OF KENYA, 2010**

AND

IN THE MATTER OF ARTICLES 159 AND 165 OF THE CONSTITUTION OF KENYA, 2010

AND

IN THE MATTER OF SECTIONS 13 & 31 OF THE ELECTIONS ACT, 2013

AND

IN THE MATTER OF SECTION 5 OF THE JUDICATURE ACT, CAP 8 LAWS OF KENYA,

AND

**IN THE MATTER OF ORDER 52 OF THE RULES OF THE SUPREME COURT OF
ENGLAND, 1965 PRACTICE AND PROCEDURE RULES**

AND

**IN THE MATTER OF THE NOMINATION OF THE ORANGE DEMOCRATIC MOVEMENT
(ODM) PARTY CANDIDATE FOR THE BONDO CONSTITUENCY (NATIONAL
ASSEMBLY) SEAT FOR THE AUGUST 9TH 2022 GENERAL ELECTIONS**

BETWEEN

JOHN ANDIWO MWAI PETITIONER

AND

NATIONAL ELECTION BOARD (ODM) 1ST RESPONDENT

ORANGE DEMOCRATIC MOVEMENT PARTY 2ND RESPONDENT



GIDEON OCHANDA 3RD RESPONDENT
JONATHAN ODIWUOR AMOKE 4TH RESPONDENT
CONSTITUENCY RETURNING OFFICER, IEBC BONDO
CONSTITUENCY 5TH RESPONDENT
INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION. 6TH
RESPONDENT

RULING

1. Upon perusal of the Notice of withdrawal of the entire Petition against the respondents as filed on 7/6/2022 by the petitioner's advocate Mr. John Juma and on no objection from the 1st and 2nd respondents, with no appearance or objection filed or raised by the 3rd - 6th respondents, this Petition as originally filed at Nairobi Constitutional and Human Rights Division vide Constitutional Petition No. E259/2022 and transferred to this court on 3/6/2022 by Hon. H.I. Ong'udi J be and is hereby marked as wholly withdrawn with each party to bear their own costs of the Petition.
2. The file is closed.
3. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 22ND DAY OF JUNE, 2022

R.E. ABURILI

JUDGE

