



Barasa v Inspector General of Police & 2 others (Criminal Miscellaneous Application E222 of 2022) [2022] KEHC 12121 (KLR) (Crim) (22 August 2022) (Ruling)

Neutral citation: [2022] KEHC 12121 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL MISCELLANEOUS APPLICATION E222 OF 2022
DO OGEMBO, J
AUGUST 22, 2022**

BETWEEN

DIDMUS WEKESA BARASA APPLICANT

AND

INSPECTOR GENERAL OF POLICE 1ST RESPONDENT

DIRECTOR OF CRIMINAL INVESTIGATIONS 2ND RESPONDENT

DIRECTOR OF PUBLIC PROSECUTIONS 3RD RESPONDENT

RULING

1. I have considered the submissions of the parties herein. From the pleadings, it is clear that the cause of action herein arose within the jurisdiction of the High Court of Kenya, Bungoma. Parties are not agreed on the nature of applications pending before the chief magistrate’s court, Bungoma, or any applications pending or orders issued by the High Courts in Bungoma or Kakamega. In the circumstances, there is real danger of this court and the other courts issuing conflicting orders in this matter.
2. Granted, this court has unlimited jurisdiction. The circumstances herein, however, would in my considered opinion, demand that this matter be heard at the High Court in Bungoma, under whose administrative jurisdiction this cause of action arose.
3. In the circumstances, I hereby invoke the inherent power of this court, and order that this case be transferred for hearing and determination at Bungoma High Court. It is so ordered.

D. O. OGEMBO

JUDGE



22.8.2022

Dr. Khaminwa:

May we get a date before High Court, Bungoma tomorrow at 2:30pm.

Muteti:

That is okay.

Court:

Matter fixed for mention before the presiding/vacation – Judge, Bungoma High Court on 23.8.2022 at 2:30pm.

Mention 23.8.2022 at 2:30pm (Bungoma).

D. O. OGEMBO

JUDGE

22.8.2022

