



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. 85 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR

JUDICIAL REVIEW ORDERS OF PROHIBITION AND CERTIORARI

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE.....1ST RESPONDENT

DIRECTOR OF CRIMINAL INVESTIGATION.....2ND RESPONDENT

KIAMBU COUNTY, DIRECTORATE OF CRIMINAL INVESTIGATION.....3RD RESPONDENT

LARI SUB-COUNTY, DIRECTORATE OF CRIMINAL INVESTIGATION.....4TH RESPONDENT

DIRECTOR OF PUBLIC PROSECUTION.....5TH RESPONDENT

AND

JAMES MUTHAKA NJUGUNA.....INTERESTED PARTY

EX PARTE APPLICANTS:

1. OSORO KENNEDY OMWOYO

2. ISAAC KYAI NYAMAI

RULING

The Application

1. The *ex parte* Applicants herein are aggrieved by a decision by the Respondents to charge them with the offence of stealing a motor vehicle in Criminal Case No 674 of 2019 in Limuru Law Courts. The *ex parte* Applicants have thus moved this Court in an application by way of Chamber Summons dated 27th April 2020, seeking orders that the said application be certified urgent, and for leave to apply for judicial review orders of certiorari and prohibition to quash and prohibit the said criminal proceedings.

2. The *ex parte* Applicants also seek orders that the said leave operate as a stay of their intended arrest, charging, arraignment and prosecution in the said criminal proceedings, and that the costs of the application be provided for. The application is supported by the *ex parte* Applicants' Statutory Statement dated 27th April 2020, and a verifying affidavit sworn on the same date by the 1st *ex parte* Applicant.

3. I have perused the *ex parte* Applicants' Chamber Summons dated 27th April 2020 and supporting documents, and note that the *ex parte* Applicants are seeking leave to bring orders in relation to criminal proceedings in the Limuru Law Courts, which are under the supervisory

jurisdiction of the Kiambu High Court.

4. In the premises I direct and orders that this suit be and is hereby transferred to the Kiambu High Court for further hearing and determination. The *ex parte* Applicant's Chamber Summons dated 27th April 2020 shall accordingly be placed before the **Duty Judge** at the **Kiambu High Court** on **7th May 2020**, for directions.

5. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling and orders by electronic mail to the *ex parte* Applicants, and to the Deputy Registrar of the Kiambu High Court, by **close of business on 4th May 2020**.

6. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 30th DAY OF APRIL 2020

P. NYAMWEYA

JUDGE