



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW MISC. APPLICATION NO. E053 OF 2020**

**IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF CERTIORARI AND PROHIBITION**

**BETWEEN**

**REPUBLIC .....APPLICANT**

**VERSUS**

**THE DIRECTOR OF PUBLIC PROSECUTION.....1<sup>ST</sup> RESPONDENT**

**THE INSPECTOR GENERAL OF POLICE .....2<sup>ND</sup> RESPONDENT**

**SUB COUNTY CRIMINAL INVESTIGATION**

**OFFICER SCCIO KAYOLE .....3<sup>RD</sup> RESPONDENT**

**DIRECTORATE OF CRIMINAL INVESTIGATION**

**OFFICERDCIO KAYOLE POLICE STATION .....4<sup>TH</sup> RESPONDENT**

**THE OFFICER COMMANDING STATION**

**KAYOLE POLICE.....5<sup>TH</sup> RESPONDENT**

**THE CHIEF MAGISTRATES COURT**

**MAKADARA LAW COURTS.....6<sup>TH</sup> RESPONDENT**

**EX-PARTE APPLICANT:.....SYMON THUO GACHAHI MUHIA**

**RULING**

1. The *ex parte* Applicant herein, Symon Thuo Gachahi Muhia, has filed an application herein by way of a Chamber Summons dated 27<sup>th</sup> October 2020 , seeking the following orders:

**1 That the matter be certified urgent.**

**2 That the leave be granted for the applicant to apply for:**

**a) An order of judicial review of certiorari to remove into this court and quash as against the applicant herein the charges dated Wednesday 28th October 2020 intending to charge the applicant with the offence of obtaining money by false pretence contrary to section 313 of the Penal Code cap 63 laws of Kenya, in the Chief Magistrates Court Makadara.**

**b) An order of Judicial Review of Prohibition directed towards the respondent prohibiting them from illegally and unprocedurally prosecuting or continuing with the criminal proceedings against the applicant in the chief**

magistrates court at Makadara or any other criminal court.

**3 That the leave so granted to operate as a stay of the proceedings, against the applicant herein, pending before the chief magistrate court Makadara.**

**4 That the cost of the application be provided for.**

2. The said *ex parte* Applicant has filed another Chamber Summons application also dated 27<sup>th</sup> October 2020 in **Nairobi H.C JR Application 1122 of 2020**, seeking the same orders against the same Respondents based on the same grounds and facts, and on which this Court has given a ruling.

3. The instant application is accordingly in abuse of the process of Court and is accordingly struck out with no order as to costs.

4. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant by electronic mail by close of business on Thursday, 29<sup>th</sup> October 2020.

5. Orders accordingly.

**DATED AND SIGNED AT NAIROBI THIS 28<sup>th</sup> DAY OF OCTOBER 2020**

**P. NYAMWEYA**

**JUDGE**