



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. E 1144 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR

JUDICIAL REVIEW ORDERS OF PROHIBITION AND CERTIORARI

BETWEEN

HENRY KIPLAGAT ROTICH.....APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....1ST RESPONDENT

ETHICS AND ANTI-CORRUPTION COMMISSION.....2ND RESPONDENT

RULING

The Application

1. Henry Kiplagat Rotich (hereinafter “the Applicant”) is aggrieved by the Respondents’ decision to institute criminal proceedings against the Applicant in consolidated ACC Case No. 20/2019, before the Chief Magistrates’ Court at Milimani.
2. The Applicant has consequently moved this Court in an application by way of Chamber Summons dated 10th November 2020, seeking the following orders:

1. **THAT this court be please to certify this application urgent and fit to be heard expeditiously.**
2. **THAT this Court be pleased to grant leave to the applicant to apply for Judicial review orders to wit:-**
 - a) **That the applicant be granted leave to apply for orders of certiorari to move into this court and quash the decision to charge and the charges in the charge sheet filed against the Applicant in ACC case no. 20/2019 in Republic versus Henry Kiplagat Rotich and others.**
 - b) **That the Respondents be prohibited and are hereby prohibited from bringing similar charges against Henry Kiplagat Rotich based on the same provision of the law over the same transactions involving Kimwarer and Aror multipurpose dams.**
3. **THAT the costs of this Application be provided for.**

3. I have perused the said Chamber Summons application and supporting documents, and note that the Applicant is seeking leave to bring orders in relation to proceedings in the Chief Magistrate’s Anti- Corruption Court in Nairobi, which is under the supervisory jurisdiction of the Anti-Corruption and Economic Crimes Division of the High Court.

4. In the premises I direct and order that this suit be and is hereby transferred to the Anti-Corruption and Economic Crimes Division of the High Court at Nairobi for further hearing and determination. The Applicant’s Chamber Summons dated 10th November 2020 shall accordingly be placed before the **Duty Judge** at the **Anti- Corruption and Economic Crimes Division of the High Court at Nairobi** on **9th December 2020**, for directions.

5. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the Applicant, and to the Deputy Registrar of the Anti-Corruption and Economic Crimes Division of the High Court at Nairobi, by close of business on 3rd December 2020.

6. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF NOVEMBER 2020

P. NYAMWEYA

JUDGE