



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO.531 OF 2015

BETWEEN

OKIYA OMTATAH OKOITI..... 1st PETITIONER

NYAKINA WYCLIFFE GISEBE2nd PETITIONER

AND

PRESIDENT UHURU MUIGAI KENYATTA.....1st RESPONDENT

DEPUTY PRESIDENT WILLIAM SAMOEI RUTO.....2nd RESPONDENT

TREASURY CABINET SECRETARY

HENRY ROTICH.....3rd RESPONDENT

TREASURY PRINCIPAL SECRETARY

KAMAU THUGGE.....4th RESPONDENT

THE HON. ATTORNEY GENERAL.....5th RESPONDENT

AND

CONTROLLER OF BUDGET

AGNES ODHIAMBO.....1st INTERESTED PARTY

CBK GOVERNOR

PATRICK NGUGI NJOROGE.....2nd INTERESTED PARTY

AUDITOR GENERAL

EDWARD OUKO.....3rd INTERESTED PARTY

LAW SOCIETY OF KENYA.....4TH INTERESTED PARTY

RULING

1. On 5th February 2016, I directed that this matter should be referred to the Hon. the Chief Justice for constitution of an uneven number of Judges under **Article 165(4)** of the **Constitution** to hear and determine all aspects of it.
2. I have perused the record and I note that the said directions were never complied with for reasons unknown to me. Instead, an Application dated 20th March 2016 by the Petitioners was to be determined earlier on 15th July 2016 and later on 25th November 2016 by myself. That Application, upon the matter being referred to the Hon. the Chief Justice cannot procedurally be determined by a single Judge.
3. In the circumstances, I am unable to determine the said Application and would instead direct the Deputy Registrar of this Division to expeditiously comply with my earlier directions and thereafter the panel of Judges appointed by the Hon. the Chief Justice can deal with the Application.
4. As there has been delay in the finalisation of this Petition and the said Application attributable partly to circumstances beyond my control and which should be well known to the Parties, I hereby tender to my profuse apologies.
5. It is so ordered.

DATED AND SIGNED AT NAIROBI THIS 23RD DAY OF FEBRUARY, 2017

ISAAC LENAOLA

JUDGE

DELIVERED AND SIGNED AT NAIROBI THIS 24TH DAY OF FEBRUARY, 2017

E. CHACHA MWITA

JUDGE