



**REPUBLIC OF KENYA**

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

**CRIMINAL MISC APPLICATION NO. 29 OF 2016**

**AARON KILI NGEA .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

The applicant, vide a Notice of Motion dated 9<sup>th</sup> March, 2016 has sought to have SAFARICOM KENYA LTD ordered to provide to the accused mobile data to all received and made telephone calls for the accused's mobile telephone No 0714-710280 and 0722-752702 for 26<sup>th</sup> April, 2014 and both April 2014.

They also sought to have criminal case No 5 of 2014, Republic Vrs Aaron Kili Ngea stayed pending the provision of the said data. The application has not been opposed in terms of the first prayer. And the applicants have equally not contested the objection to prayer No 2 being granted.

In the circumstances, the applicants are granted the orders sought for in prayer number 1 to the effect that SAFARICOM KENYA LTD be and is hereby ordered to provide to the accused/applicant mobile data i.e. received and made telephone calls on his mobile telephones Nos. 0171-710280 and 0722 -752702 for 26<sup>th</sup> April, 2014 and 30<sup>th</sup> April, 2014.

**Ruling signed, dated and delivered this 26<sup>th</sup> day of October, 2016.**

**D. O. CHEPKWONY**

**JUDGE**

**In the presence of:**

M/s Mutua for the state

Mr Kenzi for the Applicant

C/clerk – Kiarie