



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

MISCELLANEOUS CRIMINAL APPLICATION NO. 21 OF 2016

SIMON KAMANGARA WANUTHIA.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

13/12/2016

Before Lady Justice C. Meoli, J

ORDER

1. Application filed on 15/11/2016 should be canvassed before the lower court, or the Applicant appeals against the lower court order that cancelled his bond.
2. On Application filed on 8/12/2016, let the Deputy Registrar place before me the file in Miscellaneous Criminal Application No. 7 of 2014 where ruling was delivered by this court in 2014.

C. MEOLI

JUDGE

13/12/2016

LATER

Before Lady Justice C. Meoli, J

COURT

1. I have now perused the file in High Court **Miscellaneous Criminal Application No. 7 of 2014**. By an application filed on 9/10/2014 the Applicant herein had canvassed *inter alia* a prayer to prohibit his prosecution in respect of **Naivasha Criminal Case No. 2889 of 2013** and **Criminal Case No. 57 of 2014** as consolidated in the latter file. This court having heard arguments by the Applicant and the DPP delivered a considered ruling on 19th December 2014 declining the application.
2. It is therefore not open for the Applicant to bring another similar application as he has done vide the application filed on 8/12/2016 and raising the same matters and seeking the same orders as previously

canvassed before this court.

3. It makes no difference that the **Civil Suit No. 985 of 2012** has terminated in the Applicant's favour. The Application filed on 8th December 2016 is *res judicata* the previous application in High Court Miscellaneous Application No. 7 of 2014 and is accordingly struck out *in limine*.

C. MEOLI

JUDGE

13/12/2016