



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Judicial Review 45 of 2013

STEVE MUTUKU MUTUA .....APPLICANT

AND

JAMES MUTISO MUTUA.....1<sup>ST</sup> RESPONDENT

THE NATIONAL ALLIANCE.....2<sup>ND</sup> RESPONDENT

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION.....3<sup>RD</sup>  
RESPONDENT

JUDGMENT

1. Steven Mutuku Mutua moves the court once again to seek orders by way of Notice of Motion filed on 7<sup>th</sup> February 2013. In essence he seeks a rehearing of his case. He was a candidate for the position of Member of National Assembly for Yatta Constituency on a TNA Ticket. He alleged serious irregularities in the conduct of the nomination on 17<sup>th</sup> and 18<sup>th</sup> January 2013. As he had lost the nomination, he lodged an appeal to the IEBC Dispute Resolution Committee. The Committee in **NDRC No. 106 of 2013**, decided the case against him by dismissing the complaint on the basis of insufficient evidence.

2. The applicant then lodged an application before this court, to wit **Misc. Appl. No. 39 of 2013**. We heard the matter and it was dismissed on 1<sup>st</sup> February 2013. The reasons for the decision were that, we found no grounds to interfere with the Committee's decision.

3. This case is based on the same facts. Nothing new has emerged and it is with profound sympathy to the applicant that I must dismiss the application. No order as to costs.

**Dated and Delivered at Nairobi** this 7<sup>th</sup> February 2013.

**D.S. MAJANJA**

JUDGE