



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Judicial Review 20 of 2013

SAMUEL OTIENO OTAJA.....APPLICANT

AND

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .....1<sup>ST</sup>  
RESPONDENT

ORANGE DEMOCRATIC MOVEMENT .....2<sup>ND</sup> RESPONDENT

KEN OBURA.....3<sup>RD</sup> RESPONDENT

RULING

I have considered the material that has been placed before the court and in my view, the complaint relating to the nomination can be dealt with by the Independent Electoral and Boundaries Commission in terms of the provisions of **Article 88(4)(e)** of the Constitution and **section 74** of the *Elections Act*. There is no evidence on record that complaint was lodged and rejected. The applicant is entitled to lodge such a complaint.

In the circumstances, the Notice of Motion dated 4<sup>th</sup> February 2013 be and is hereby dismissed with no order as to costs.

**Dated and Delivered at Nairobi** this 5<sup>th</sup> February 2013

**D.S. MAJANJA**

**JUDGE**