

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW DIVISION

JR CASE NO. 237 OF 2013

REPUBLIC.....APPLICANT

VERSUS

THE INDEPENDENT ELECTORAL

AND BOUNDARIES COMMISSION.....1ST RESPONDENT

KENYA NATIONAL CONGRESS2ND RESPONDENT

RAHAB NKURE NENTAYA.....INTERESTED PARTY

EX-PARTE- JULLIE TIMPIYIAN LEMUTA

JUDGMENT

1. At the conclusion of the submissions in the matter, Mr. Macharia for the Kenya National Congress (the 2nd Respondent) pointed to us that this matter is related to **NAIROBI HC CONSTITUTIONAL PETITION NO. 297 OF 2013 ANNE LANOI KERIAH V KENYA NATIONAL CONGRESS & INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**. In the said matter Rahab Nkure is an Interested Party. We have perused the said petition and we agree with Mr. Macharia that this matter and **PETITION NO. 297 OF 2013** are indeed targeted at the nomination of Rahab Nkure by the 2nd Respondent to the Narok County. The issues raised in this matter are similar to those raised in **PETITION 297 OF 2013** to wit that Rahab Nkure was not qualified to be nominated by the 2nd Respondent to Narok County Assembly.
2. This matter relates to **COMPLAINT NO. IEBC/NDRC/PL/205/2013- JULIET TIMPIYAN LEMUTA V. KNC** which was before the 1st Respondent, the Independent Electoral and Boundaries Commission (IEBC). After hearing the dispute the 1st Respondent concluded that the Applicant's name was never submitted to it by the 2nd Respondent. Her application was found to be untenable and dismissed.
3. Since the issues raised in this matter are the same with those in **PETITION 297 OF 2013**, we adopt our reasoning in the said petition and dismiss these judicial review proceedings with no order as to costs.

Dated, signed and delivered at Nairobi this 12th day of July, 2013

MUMBI NGUGI,

D. S. MAJANJA,

W. K. KORIR,

JUDGE

JUDGE

JUDGE

