



REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
PETITION NO. 12 OF 2013
FORMERLY NAIROBI PET. NO. 546 OF 2013

ATHMAN OTIME JUMA =VS= DPP AND 4 OTHERS

AND

PETITION NO. 10 OF 2013

ATHUMAN OTIME JUMA =VS= DPP & 4 OTHERS

AND

JR. NO. 16 OF 2013 FORMERLY JR.2 OF 2013

THE REPUBLIC OF KENYA =VS= DCIO & CM - MALINDI

EX-PARTE – ATHUMAN OTIME JUMA

DIRECTIONS

1. Pursuant to submissions made before me on 19th November, 2013 by Mr. Kenga for the Petitioner in Petition No. 12 of 2013 and Mr. Michira for the Petitioner in petition No. 10 of 2013 and counsel representing the DPP, I have perused respective pleadings and record in the following matters:
 1. Malindi Petition No. 12 of 2013 Athuman Otime Juma vs DPP and 4 others – filed in Nairobi on 15th November, 2013
 2. Malindi Petition No. 10 of 2013 Athuman Otime Juma vs DPP & 4 Others - filed in Malindi on 15th August, 2013
 3. Malindi JR. 16 of 2013 Republic vs The DCIO Malindi and 4 Others,

Exparte Athuman Otime Juma - filed in Mombasa on 23rd August,2013
2. Petition No. 12 of 2013 and JR. 16 of 2013 were ordered transferred to Malindi by the High Court sitting in Nairobi and Mombasa respectively, because, they relate to criminal investigations and/or

prosecution being carried out in Malindi with respect to land parcels within CHEMBE/KIBABAMCHE area which falls under the jurisdiction of this court. On the face of it, the petitions nos. 10 and 12 of 2013 are raising similar issues. Indeed the pleadings appear almost similar.

3. It is not clear to me why the applicant filed three separate proceedings in different courts over what seems to be the same subject matter. There can be no justification for the matters proceeding separately thus dissipating unnecessarily the court's limited resources. I therefore direct that Petition No. 10 and 12 of 2013 be consolidated and heard together. Although there is a criminal law aspect involved in both petitions the genesis of it all concerns land and issuance of titles thereto. I therefore direct that the two matters be placed before Angote J, on 28th November, 2013 for purposes of directions as to disposal.
4. The petitioners to serve all the parties.
5. JR 16 of 2013 is set for hearing on 10th February 2014 before me. I note however, that no substantive motion was filed subsequent to leave being granted by Kasango J. on 23rd August, 2013. I will give appropriate directions in the latter matter on 10th February, 2014.
6. A copy of these directions be made and filed in each of the three matters.

C. W. Meoli

JUDGE

Delivered and signed at Malindi this 25th day of November, 2013

in the presence of

Michira for Petitioner in Petition No. 10 of 2013 holding brief for Mr. Kenga for petitioner in petition no. 12 of 2013,

Mr. Onyiembo for DPP,

Mr. Omwancha for the Malindi Musketeers Ltd.

C. W. Meoli

JUDGE

