

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 94 OF 2011

BETWEEN

DUNCAN OTIENO WAGA..... PETITIONER

AND

THE HON. ATTORNEY GENERAL..... RESPONDENT

RULING

While preparing the judgment in this matter, it became apparent that the issue of applicability of the Constitution and the former Constitution would be decisive in the determination of the petitioner's claim. Unfortunately, I was not addressed on these issues by the counsel's and it would be proper to hear then before I make the final judgment.

I now invite the parties to address me this issue.

DATED and DELIVERED at NAIROBI this 30th day of April 2012

D. S. MAJANJA

JUDGE

Mr Chigiti instructed by Chigiti & Chigiti Advocates for the petitioner

Mr E. Kakoi, Litigation Counsel, instructed by the State Law Office for the respondent.