



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT BUNGOMA**

**Miscellaneous Application 130 of 2009**

**IN THE MATTER OF: ORDER 53 OF THE CIVIL PROCEDURE RULES:  
THE LAW REFORM ACT CAP 26; THE CONSTITUTION OF KENYA**

**IN THE MATTER OF AN APPLICATION BY MOHAMMUD JAMAA FOR  
JUDICIAL REVIEW ORDER OF MANDAMUS AGAINST THE ATTORNEY  
GENERAL AND COMMISSIONER OF POLICE**

**BETWEEN**

**MOHAMMUD JAMAA - EX PARTE APPLICANT  
VERSUS  
THE POLICE COMMISSIONER - 1<sup>ST</sup> RESPONDENT  
THE P.S. MINISTRY OF INTERNAL SECURITY - 2<sup>ND</sup> RESPONDENT**

**J U D G M E N T**

The application before me is a Notice of Motion dated 13.7.2009. It seeks a Review Order of Mandamus to compel the Commissioner of Police to pay the Ex Parte applicant, Muhammad Jamaa, a sum of Kenya Shillings 1,098,413/60 being an amount owed by the said Police Commissioner, to the applicant under a decree issued in the Principal Magistrate's Civil Case No.362 of 2003.

The application is not opposed. No replying affidavit was filed and the Respondent's counsel, Mr Muiruri, who sat in court during the prosecution of this application, confirmed that they did not contest the prayers in the application. The applicant's prayer included, in addition the principal sum, accrued interests to date, plus certified costs of the suit vide the decree of court dated 20.6.2006.

Since the application was not opposed, and indeed the Respondent's counsel specifically affirmed that, this court will accordingly grant the prayers. An Order of Mandamus shall forthwith issue, compelling the Permanent Secretary, the Ministry of Internal Security and the Commissioner of Police jointly and severally, to pay to the applicant, a sum of Kenya Shillings One Million and Ninety-Eight Thousand, Four Hundred and Thirteen and Cents Sixty, (Kshs.1,098,413/60) together with calculated interests and certified costs, within a period of 60 days. Orders accordingly.

Dated and delivered at Bungoma this 25 day of October, 2010.

**D.A. ONYANCHA  
JUDGE**