REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

Misc 224 of 2007

BENARD WABWIRE WAFULA :::::::::::::::::::::::: APPLICANT

VRS

EMMANUEL WEKESA WASIKE

HON. THE ATTORNEY GENERAL :::::::::::::::::::::::: RESPONDENTS

RULING OF THE COURT

I have heard the ex-parte application before me. I have considered the contents of the Supporting Affidavit along with the annexures. I have seen the certificate of delay showing that proceedings took 2 years to be supplied to him. I note that after receiving the proceedings he did instruct counsel who nonetheless did not file the suit promptly. Given the nature of his complaint which does touch on his constitutional right to be presented to a court of law within 24 hours of arrest. I feel that he should not be locked out and should therefore be allowed to pursue his claim. Accordingly, I allow the application and direct that the suit be filed without further delay and in any case not more than 15 days from the date of this ruling.

W. KARANJA

JUDGE

12/2/2008