



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (NAIROBI LAW COURTS)**

**Misc. Civ. Appli. 297 of 2008**

**JEAN MARIE HATUNGIMANA.....APPLICANT**

**A N D**

**THE HON. ATTORNEY-GENERAL.....RESPONDENT**

**R U L I N G**

In this Notice of Motion dated 30<sup>th</sup> April 2008 and brought exparte under Sections 27 and 28 of the Limitation of Actions Act, Chapter 22 of the Laws of Kenya, the Applicant prays for orders: -

*“THAT this Honourable Court be pleased to grant the Applicant leave to commence and institute court proceedings against the Honourable Attorney-General for compensation pursuant to an acquittal of the Applicant in High Court Criminal Appeal Number 721 of 2003, HATHSNGIMANAS JEAN MARIE – Versus- REPUBLIC.”*

I have carefully considered all the facts, evidence and information brought before me through filed documents as well as oral submissions by Mr. Kinyanjui, I Learned Counsel who held brief for the Applicant’s Advocates M/s Wesley John & Associates, and being satisfied, do hereby grant the said Notice of Motion as prayed with costs in the cause.

The Applicant to file the intended suit within fourteen (14) days from the date of this ruling.

Dated this 21<sup>st</sup> day of November 2008.

J. M. KHAMONI

JUDGE