



IN THE HIGH COURT OF KENYA  
AT BUNGOMA  
Civil Misc Cause 37 of 2005

IN THE MATTER OF AN APPLICATION OF JUDICIAL REVIEW OF  
CERTIORARI AND MANDAMUS

AND  
IN THE MATTER OF AN APPLICATION BY  
ZACHARIA WAKHUNGU BARAZA T/A SIUMA TRADERS

REPUBLIC.....APPLICANT  
VS  
SENIOR PRINCIPAL MAGISTRATE..... 1ST RESPONDENT  
HON. ATTORNEY GENERAL.....2ND RESPONDENT

EX PARTE

ZACHARIA WAKHUNGU BARAZA..... APPLICANT  
AND  
CHESIKAKI RURAL SOCIETY (SACCO)..INTERESTED PARTY

R U L I N G

Pursuant to the provisions of Order LIII rule 1(2) of the Civil Procedure Rules the applicant sought for leave to apply for the orders of certiorari and mandamus to quash a decision of the Senior Principal Magistrate, Bungoma in Bungoma S.P.M. Misc. Application No. 39 B of 2004 dated 20.1.2005.

The summons is ex parte in nature and this court is required to apply the test as whether the applicant has an arguable case if a substantive application were to be filed.

I have perused the material placed before me and I think the applicant has no arguable case. Consequently leave is refused.

**DATED AND DELIVERED THIS 8th DAY OF February 2005**  
**J.K. SERGON**  
**JUDGE**