



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA

Misc Civil 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

RULING

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