



**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC. CIVIL CASE NO. 994 OF 2004**

**ANTONINE AUMA OKOTH .....APPLICANT**

**VERSUS**

**THE CHIEF MAGISTRATES COURT, NAIROBI .....1ST RESPONDENT**

**THE KENYA ANTI-CORRUPTION COMMISSION.....2ND RESPONDENT**

**THE ATTORNEY GENERAL.....3RD RESPONDENT**

**RULING**

I have read the application and heard the submissions of counsel. This application on the face of it raises very fundamental questions of law which this Court must determine. It is not confined to the applicant but will affect the state of the law and in particular whether the provisions of the prevention of Corruption Act Cap. 65 which is repealed can be invoked to charge an accused person for alleged offences thereunder. This to me is a very unique case and must be decided before the criminal case is heard.

I have no hesitation whatsoever in granting leave as prayed in prayer 2. The leave shall operate as a stay in terms of prayer 4. the Applicant shall file and serve her application within 21 days from the date hereof.

Dated and delivered this 29th day of July, 2004.

**MOHAMMED K. IBRAHIM**  
**JUDGE**