



Jepkemoi v Director of Public Prosecution & 2 others; Masea & 10 others (Interested Parties) (Criminal Miscellaneous Application 3 of 2023) [2025] KEHC 2713 (KLR) (4 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2713 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL MISCELLANEOUS APPLICATION 3 OF 2023**

DO CHEPKWONY, J

MARCH 4, 2025

IN THE MATTER OF: ARTICLES 1, 2, 3, 6, 10, 19, 20, 21, 22, 23, 24, 25, 50, 157, 165, 258, 259 AND 260 OF THE CONSTITUTION OF KENYA, 2010, AND SECTION 4 OF THE CONSTITUTION OF KENYA (PROTECT IN OF RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES, 2013 AND SECTION 7(1) OF SCHEDULE 6 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF: THE VIOLATION AND THREATENED VIOLATION OF ARTICLES 1, 2, 3, 6, 10, 19, 20, 21, 23, 24, 25, 50, 157, 258, 259 AND 260 OF THE CONSTITUTION OF KENYA, 2010 AND SECTION 7(1) OF THE SCHEDULE 6 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF: SECTIONS 4, 268(1), 275, 281, 330(B), 345, 349, 392, 393 OF THE PENAL CODE (CAP 63)AND

IN THE MATTER OF: SECTIONS 134, 135, 136 AND 137 OF THE CRIMINAL PROCEDURE CODE (CAP 5)AND

IN THE MATTER OF: KAHAWA LAW COURTS, SPM CRIMINAL CASE NO.112 OF 2023 – REPUBLIC V NICODEMUS OSIEMO MASEA AND 11 OTHERS

BETWEEN

KARREN JEPKEMOI PETITIONER

AND

DIRECTOR OF PUBLIC PROSECUTION 1ST RESPONDENT

SENIOR PRINCIPAL MAGISTRATE, KAHAWA LAW COURTS 2ND RESPONDENT



THE HON. ATTORNEY GENERAL 3RD RESPONDENT

AND

NICODEMUS OSIEMO MASEA INTERESTED PARTY
AMOS KIPOKORIS KIPCHUMBA INTERESTED PARTY
CAREN CHEBET INTERESTED PARTY
DANIEL MWETERI MBERIA INTERESTED PARTY
VIOLET MGHOI WALI INTERESTED PARTY
HAMISI ZAUNGA INTERESTED PARTY
ERIC RONO INTERESTED PARTY
MIRRIAM N'THENYA INTERESTED PARTY
TONNY MULIRO WABOMBA INTERESTED PARTY
SAMMY AFUBWA CHAHAYO INTERESTED PARTY
MOSES MWENDA NTONYA INTERESTED PARTY

RULING

1. This matter came up for mention for parties to show cause why this suit should not be dismissed for want of prosecution. A Notice to Show Cause was issued, taken out and served upon counsel for the parties.
2. There is no response filed by the parties herein and neither has the Petitioner attended court to show cause as required.
3. It is worth-noting that the Petitioner has never attended court since the matter was transferred here from Kibera High Court. This is a clear indication that she has lost interest in prosecuting her case. Therefore, the parties and more specifically the Petitioner has lose interest in having her suit prosecuted.
4. This being the case, there is need to avoid clogging this court's system with backlog. The court therefore proceeds to dismiss this suit for want of prosecution pursuant to Order 17 Rule 2 of the Civil Procedure Rules.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 4TH DAY OF MARCH, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

No appearance by and for the Applicant

M/S Ndeda counsel for the Respondent

Court Assistant - Martin

