



REPUBLIC OF KENYA



Wambugu v Ethics and Anti-Corruption Commission (Judicial Review Application E029 of 2025) [2025] KEHC 3316 (KLR) (Judicial Review) (19 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3316 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E029 OF 2025
RE ABURILI, J
MARCH 19, 2025**

BETWEEN

MARTHA KARUNGARI WAMBUGU APPLICANT

AND

ETHICS AND ANTI-CORRUPTION COMMISSION RESPONDENT

RULING

1. The application dated 19/3/2025 by the applicant Martha Karungari Wambugu seeks leave of this court to apply for Judicial Review orders of certiorari and prohibition to bring into this court for purposes of quashing and to quash the demand by the Respondent Ethics and Anti-Corruption Commission (EACC) for Kshs.18,292,965/- being alleged illegal payments authorized by the applicant on behalf of Nairobi City County Government to Jemishley Construction Limited, an unqualified supplier for goods not delivered.
2. The demand is dated 10/3/2025. The applicant also seeks to have the Respondent EACC prohibited from instituting legal proceedings against the applicant demanding for Kshs.18,292,965.50/- and a further Judicial Review order of certiorari to quash the investigation by the Respondent with regard to the said sums of money stated above.
3. Finally, that leave to apply once granted, do operate as stay of implementation of the demand dated 10/3/2025 for Kshs.18, 292.965.50/- until the substantive motion is filed, heard and determined on merit.
4. I have perused the grounds, the supporting affidavit, statutory statement of facts and the annexures thereto.



5. I observe that the matter relates to corruption and Economic Crimes and ordinarily, a claim by the Ethics and Anti-Corruption Commission or Asset Recovery Authority would be instituted before the Anti-Corruption Court for recovery after such demand, or in some instances for forfeiture of proceeds of crime or for preservation orders.
6. Conversely, the Defendants would be expected to file defences or challenge the investigations or demand before the said court.
7. Anti-corruption and Economic Crimes Division of the High Court exists to hear and determine disputes of this nature.
8. I decline to entertain the merits of the application dated 19/3/2025 and proceed to strike out the application for being filed in the wrong court. Let the applicant approach the correct court for ventilation of her grievances.
9. I make no orders as to costs. Accordingly, the application is not certified urgent.
10. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 19TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

