



Kaibe v Director of Criminal Investigations & 8 others (Constitutional Petition E009 of 2024) [2025] KEHC 6633 (KLR) (23 May 2025) (Judgment)

Neutral citation: [2025] KEHC 6633 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CONSTITUTIONAL PETITION E009 OF 2024**

WM MUSYOKA, J

MAY 23, 2025

BETWEEN

VINCENT KUBASU KAIBE PETITIONER

AND

DIRECTOR OF CRIMINAL INVESTIGATIONS 1ST RESPONDENT

OCS BUMALA POLICE STATION 2ND RESPONDENT

JOHN OWINO WANDERA 3RD RESPONDENT

JACINTA ANYANGO OCHIENG 4TH RESPONDENT

OWINO TREZER AKINYI 5TH RESPONDENT

GABRIEL OUMA OWINO 6TH RESPONDENT

SHADRACK OWINO 7TH RESPONDENT

GIDEON OWINO 8TH RESPONDENT

THE DIRECTOR OF PUBLIC PROSECUTIONS 9TH RESPONDENT

JUDGMENT

1. On 25th February 2025, I delivered a ruling herein, on an application, dated 5th December 2024, which had sought conservatory orders, on the basis that, prima facie, there was material to justify grant of the order.
2. Thereafter I gave directions, for disposal of the petition by way of written submissions. The petitioner filed written submissions, dated 4th April 2025. I have read through them and noted the arguments made.



3. The respondents stayed away from the proceedings, despite service with the papers filed herein, as evidenced by the affidavits of service on record. The averments made by the petitioner, in his petition and verifying affidavits, were neither contested nor controverted. I considered the case presented by the petitioner in my ruling of 25th February 2025 and found it to be prima facie established. That was, of course, subject to a contrary case being presented by the respondents. No such case has been presented, and the case, as set out by the petitioner, holds.
4. There shall be no need to belabour the point, in view of what I have stated above. Consequently, I shall grant the prayers sought in the petition, dated, 5th December 2025, in terms of prayers (a) and (b) thereof. It is so ordered.

DELIVERED VIA EMAIL, AND DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 23RD DAY OF MAY 2025.

W. MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Muriithi, instructed by Ntoiti & Company, Advocates for the petitioner.

