



Tunde v Inspector General of Police & another (Miscellaneous Application E081 of 2024) [2024] KEHC 3563 (KLR) (Civ) (15 April 2024) (Ruling)

Neutral citation: [2024] KEHC 3563 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
MISCELLANEOUS APPLICATION E081 OF 2024
LN MUTENDE, J
APRIL 15, 2024**

BETWEEN

OLAYIWOLA SAHEED TUNDE APPLICANT

AND

INSPECTOR GENERAL OF POLICE 1ST RESPONDENT

DIRECTOR OF PUBLIC PROSECUTIONS 2ND RESPONDENT

RULING

1. The applicant herein approached this court on 15th March, 2024 seeking a writ of habeas corpus directed to the 1st and 2nd respondents to have the body of Olayiwola Saheed Tunde produced within 24 hours.
2. The application is premised on grounds that the applicant has been held in custody since 13th March, 2024 and is at the risk of being deported arbitrarily through coercion without being accorded a fair trial.
3. That the respondents have no reasonable excuse for the continued detention of the applicant.
4. Directions requiring service of the application upon the respondents were given on 19th March, 2024. When the matter came up on 21st March 2024 Counsel for the applicant did not turn up. Consequently the matter was given today's date and similarly there was no representation.
5. The legal right to apply for the writ of habeas corpus lay with the applicant who was expected to move the court. Having failed to demonstrate the intention to move the court as expected the interest is deemed to have diminished.
6. In the premises the application is dismissed for want of prosecution.
7. It is so ordered.



**DATED, SIGNED AND DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS AT
NAIROBI, THIS 15TH DAY OF APRIL, 2024.**

L. N. MUTENDE

JUDGE

IN THE PRESENCE OF:

Ms. Wafula for ODPP

Court Assistant - Gladys

