



Kigia v Director of Public Prosecution & another (Miscellaneous Civil Case E025 of 2024) [2024] KEHC 7304 (KLR) (13 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7304 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
MISCELLANEOUS CIVIL CASE E025 OF 2024
TW CHERERE, J
JUNE 13, 2024**

BETWEEN

MICHAEL KUNGU KIGIA APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTION 1ST RESPONDENT

LAW SOCIETY OF KENYA-MERU BRANCH 2ND RESPONDENT

RULING

1. By summons dated 26th January, 2024 supported by Applicant’s affidavit sworn o even date, Applicant seeks dismissal of Meru Criminal Case No. E368 of 2023 and Meru Criminal Case No. E427 of 2023 on the grounds that proper investigations were not carried out.
2. By replying affidavit sworn by Mwirigi Kaburu- Chair of the Respondent, on 28th May, 2024, Respondent argues that the trial courts handling the two cases in question have the requisite jurisdiction to determine them.
3. I have considered the application in the light of the affidavits on record and submission filed by the Applicant.
4. Whether or not proper investigations were carried out before Applicant was charged in Meru Criminal Case No. E368 of 2023 and Meru Criminal Case No. E427 of 2023 is a matter for determination by the trial court.
5. Courts of law exist to administer justice and in so doing they must of necessity balance between competing rights and interests of different parties but within the confines of the law, to ensure that the ends of justice are met.
6. This court would be acting without jurisdiction if it attempts to interfere with the trials in Meru Criminal Case No. E368 of 2023 and Meru Criminal Case No. E427 of 2023.



7. In the end, I find that the summons dated 26th January, 2024 is an abuse of the court process and it is dismissed.

DELIVERED AT MERU THIS 13TH DAY OF JUNE 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

Applicant - Present in person

For Respondent - Mr. Mwirigi Kaburu Advocate

