



**Agot v Kemboi & 10 others (Miscellaneous Criminal Application
1 of 2023) [2024] KEHC 9704 (KLR) (17 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9704 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
MISCELLANEOUS CRIMINAL APPLICATION 1 OF 2023**

SN MUTUKU, J

JULY 17, 2024

BETWEEN

BRYSON MANGLA AGOT APPLICANT

AND

BERNABAS KEMBOI & 10 OTHERS RESPONDENT

RULING

1. The Applicant filed Notice of Motion against the Respondents on 20th December 2022 at Milimani in Nairobi. My understanding of the application is that the Applicant intends to institute private prosecution against the Respondents and he is seeking certain orders from the court to actualize that intention.
2. This matter was transferred to Kajiado High Court because the subject matter of this suit, being Ngong/Ngong/9612.
3. At Kajiado High Court, the Applicant filed an Amended Notice of Motion on 6th March 2023. He did not have leave of the court to file an Amended Notice of Motion. On 14th September 2023, he filed a 2nd Amended Notion of Motion, again without leave of the court.
4. On 16th November 2023, the Applicant filed yet again, another 2nd Amended Notice of Motion without leave of the court.
5. The record shows that the 1st Respondent has filed a Replying Affidavit. It is not clear to which application he has responded to given the number of amended applications in the file.
6. The Respondents, the DPP and the AG objected to the manner the Applicant is going about this matter and pointed out that the Applicant has filed amended applications without leave of the court.
7. The Applicant was directed to file an application seeking leave to amend. This ruling relates to that application. It was filed on 6th May 2024. Instead of stating the reasons for the need to amend, the



Applicant has made allegations in a manner that seems to the court that the Applicant is arguing his case.

8. I appreciate that the Applicant does not have benefit of legal representation. Perhaps it would serve him better to acquire the services of counsel. To my mind, he needs one to assist him with drafting better pleadings in a precise and understandable manner.
9. In the interest of justice, I will and do hereby allow the Applicant to amend his application. Let him seek help to ensure that the amendments sought capture the parties he wants to bring on board and set his case properly.
10. This should be done within 30 days from today. After amending, I direct that all the Respondents he will name in the amended application should be served physically and an affidavit of service filed.
11. Orders to issue accordingly.

DATED, SIGNED AND DELIVERED THIS 17TH JULY 2024.

S. N. MUTUKU

JUDGE

