



**Thuo v Director of Public Prosecution & 2 others (Miscellaneous Criminal Application E091 of 2024) [2024] KEHC 7895 (KLR) (2 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7895 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS CRIMINAL APPLICATION E091 OF 2024**

**PN GICHOHI, J**

**JULY 2, 2024**

**BETWEEN**

**GEOFFREY NGETA THUO ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... 1<sup>ST</sup> RESPONDENT**

**THE OCS BONDENI POLICE STATION ..... 2<sup>ND</sup> RESPONDENT**

**THE OCS CENTRAL POLICE STATION ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. What was coming up today was the Applicant’s Notice of Motion dated 10/6/2024 where the Applicant was seeking anticipatory bond.
2. The court had directed that it be served on the Respondent for directions on 17/6/2024. However, that day was declared a public holiday and the court directed (through a notice) that the matter be listed on 24/6/2024.
3. There was no attendance by parties prompting the court to notify them to attend court today.
4. Mr Okiro for the Applicant has intimated that he never served the Respondent with the Notice of Motion as directed by court.
5. His reasons are that the Applicant was finally arrested and the issues sorted out.
6. He therefore urged the court to consider the Application herein as having been overtaken by events and have the file closed.
7. Mr Kihara for Respondent confirmed not having been served with heh application and therefore had no issue with the request by the Applicant’s counsel.



8. In the circumstances this court has considered the nature of the orders sought and the grounds thereof, together with the affidavit in support sworn by Geoffrey Ngeta Thuo (Applicant) expounding the grounds and the nature of the application.
9. The court has considered the submissions by counsel for the Applicant showing that the circumstances have since changed.
10. The application dated 10/6/2024 is now considered as having been overtaken by events.
11. This file is now marked as closed.
12. No orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 2<sup>ND</sup> DAY OF JULY, 2024.**

**PATRICIA GICHOHI**

**JUDGE**

In the presence of:-

Mr Okiro for Applicant

Mr. Kihara for State

Ruto, Court Assistant

