



**Gachagua v State Law Office & 4 others (Petition E565 of 2024)  
[2024] KEHC 12436 (KLR) (Constitutional and Human Rights) (18 October 2024) (Order)**

Neutral citation: [2024] KEHC 12436 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CONSTITUTIONAL AND HUMAN RIGHTS  
PETITION E565 OF 2024  
EC MWITA, J  
OCTOBER 18, 2024**

**BETWEEN**

**RIGATHI GACHAGUA ..... PETITIONER**

**AND**

**STATE LAW OFFICE ..... 1<sup>ST</sup> RESPONDENT**

**SENATE & 3 OTHERS ..... 2<sup>ND</sup> RESPONDENT**

**ORDER**

1. This Matter coming up for directions on the Notice of Motion and petition both dated October 8, 2024. before Honourable Justice E C Mwita and upon considering the pleadings, supporting affidavits and attachments, I am satisfied that the petition and application raise monumental constitutional issues touching not only at the heart of a functioning constitution but also its fundamental tenets of the rule of law and human rights.
2. It is hereby Ordered as a Matter of Urgency;
  1. That the pleadings be served immediately and be responded to within 3 days after service.
  2. That due the the significance of issues raised in the petition and application, I certify this matter as raising substantial questions of law and public interest and therefore fit to be heard by a bench of uneven number of judges to be appointed by the Hon. The Chief Justice. The file be placed before the Hon. Chief Justice immediately for consideration in that regard.
  3. That in the meantime, due to the issues raised in the petition and and application, and the urgency demonstrated, a conservatory order is hereby issued staying implementation of the resolution by the Senate upholding the impeachment charges against the petitioner, the Deputy President of Kenya, including appointment of his replacement, until October 24, 2024



when the matter will be mentioned before the bench to be appointed by the Chief Justice, for appropriate orders and action.

**GIVEN UNDER MY HAND AND SEAL OF THE HONOURABLE COURT THIS 18TH DAY OF OCTOBER 2024.**

Penal Notice: Take notice that any disobedience or non-observance of the order of the court served herewith will result in penal consequences to you and any other person(s) disobeying and not observing the same

**SIGNED BY: HON. JUSTICE E.C. MWITA**

**THE JUDICIARY OF KENYA.**

**MILIMANI HIGH COURT**

**HIGH COURT CONSTITUTION AND HUMAN RIGHTS**

**DATE: 2024-10-18 13:52:03**

