



Gichobi (Suing as the Chief Executive of Kenya Indigenous Languages Forum (KILAFO)) v County Government of Kirinyaga & 4 others (Constitutional Petition 3A of 2019) [2024] KEHC 12491 (KLR) (16 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12491 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
CONSTITUTIONAL PETITION 3A OF 2019
RM MWONGO, J
OCTOBER 16, 2024**

BETWEEN

**JULIUS GICHOBI APPLICANT
SUING AS THE CHIEF EXECUTIVE OF KENYA INDIGENOUS LANGUAGES
FORUM (KILAFO)**

AND

**THE COUNTY GOVERNMENT OF KIRINYAGA 1ST RESPONDENT
THE CABINET SECRETARY, MINISTRY OF EDUCATION
SCIENCE AND TECHNOLOGY IN THE KENYA NATIONAL
GOVERNMENT 2ND RESPONDENT
THE CABINET SECRETARY, MINISTRY OF INFORMATION
AND BROADCASTING IN THE KENYA NATIONAL
GOVERNMENT 3RD RESPONDENT
THE CABINET SECRETARY, MINISTRY OF SPORTS AND
CULTURE 4TH RESPONDENT
THE HONOURABLE ATTORNEY GENERAL OF THE REPUBLIC OF
KENYA 5TH RESPONDENT**

RULING

1. The applicant Notice of Motion dated 21st September, 2023 seeks the following orders:
 1. That the Honourable Justice R Mwongo be pleased to recuse and/or disqualify himself from any further conduct of this matter.



2. That there be an order of stay of proceedings including writing and/or delivery of any rulings or judgements in relation to the subject petition pending the hearing and determination of the application.
 3. That this matter be placed before any other court of competent jurisdiction, for its just and conclusive determination.
 4. That the costs of this application be in the determination.
2. It is premised on the grounds that:
1. There is conflict of interest as the Honourable Judge is a possible state witness in Criminal Case Number E229 of 2023 as against the Petitioner, where he determined that the Petitioner herein had committed perjury in Petition Number E008 of 2022 Julius Gichobi Ngure v Director of Public Prosecutions & Inspector General of the National Police Service.
 2. The said determination in the Petition E008 of 2022 would compromise the impartiality of this suit.
 3. The Applicant will be prejudiced if the application is not allowed.
3. The applicant's supporting affidavit asserts that:
1. I am the Petitioner in Petition E008 of 2022 Julius Gichobi Ngure Versus Director of Public Prosecutions & Inspector General of the National Police Service in which the Honourable R. Mwongo is the presiding judicial officer. That during hearing of the said matter the Judge did make a ruling that I had committed perjury and I was then arrested and charged thereof with perjury in Criminal case E229 of 2023.
 2. That the said judge may be a possible witness and that there will be impartiality if the Honourable Judge is the presiding judicial officer in this matter.
 3. That I disagree with the said ruling and I believe I am not guilty of the said charges of perjury.
 4. That I will be prejudiced if the said application is not allowed.

Disposition

4. Given the foregoing circumstances, I am alive to the fact that the applicant is likely to perceive this court as partial in light of the ruling it made on perjury.
5. Accordingly, and in order to obviate any perception of partiality, it is proper and prudent that I recuse myself from this matter and I hereby do so.
6. The matter is to be heard before another judge to be identified in consultation with the Principal Judge, High Court, within the next ninety (90) days.
7. Orders accordingly.

DATED AT KERUGOYA THIS 16TH DAY OF OCTOBER, 2024

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R. MWONGO

JUDGE

Delivered in the presence of:



1. Nyawira for Petitioner/Applicant
2. Kibanya for Respondent
3. Nyaga for Applicant
4. Court Assistant, Murage

