



**Machua v ODPP (Criminal Miscellaneous Application E054 of 2022)
[2024] KEHC 12852 (KLR) (24 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12852 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL MISCELLANEOUS APPLICATION E054 OF 2022
DO CHEPKWONY, J
OCTOBER 24, 2024**

BETWEEN

FRANCIS MBURU MACHUA APPLICANT

AND

ODPP RESPONDENT

RULING

1. The matter is for mention for parties to show cause why the suit should not be dismissed for want of prosecution, a Notice to Show Cause having been taken out on 19th September, 2023.
2. The Applicant is not present despite his counsel, M/S Mburu, Machua & Co. Advocates having been served with the said Notice. He has not even sent representation to explain this absence. On the other hand, the prosecution appears to have no idea what has transpired in the matter.
3. I have perused the record and established that on 4th July, 2023, counsel for the Respondent, Mr. Kelwa indicated that having looked at the application dated 22nd November, 2022, the same appeared to have served its purpose, hence the first Notice to Show Cause being issued then. Since then, even through there are instances when counsel has appeared on behalf of the Applicant, no substantive activity has taken place on the matter.
4. In the circumstances, I find that the Applicant has lost interest in the matter and there is no need to clog the court’s system with such backlog. I proceed to dismiss this suit for want of prosecution. The file is marked as closed.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 24TH DAY OF OCTOBER , 2024.

D. O. CHEPKWONY



JUDGE

In the presence of:-

No appearance for and by Applicant

M/S Ndeda counsel for Respondent

Court Assistant - Martin

