



**Pubs, Entertainment & Restaurants Association of Kenya & others v  
National Assembly & others (Constitutional Petition E024 of 2021)  
[2023] KEHC 1914 (KLR) (Constitutional and Human Rights) (10 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1914 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CONSTITUTIONAL AND HUMAN RIGHTS  
CONSTITUTIONAL PETITION E024 OF 2021**

**AC MRIMA, J**

**MARCH 10, 2023**

**BETWEEN**

**PUBS, ENTERTAINMENT & RESTAURANTS ASSOCIATION OF KENYA &  
OTHERS ..... PETITIONER**

**AND**

**NATIONAL ASSEMBLY & OTHERS ..... RESPONDENT**

*(Consolidated with Petition No. E403 of 2021, Petition No. E491  
of 2021, Petition No. E049 of 2021 and Petition No. E023 of 2021)*

**RULING**

1. This matter is pending a ruling on two applications. They applications are the Notices of Motion dated January 7, 2022 and January 10, 2022 respectively.
2. There are 5 Petitions in these series which were consolidated. They are Petition No E024 of 2021 (being the Lead Petition), Petition No E403 of 2021, Petition No E491 of 2021, Petition No E049 of 2021 and Petition No E023 of 2021.
3. As I was preparing to write the ruling in this matter, it transpired that some files in the series are not part of the bundle handed over to me as I exited the Division. The files are in respect to Petition No E049 of 2021 and Petition No E023 of 2021.
4. This Court is aware that all the files in the series were filed online. However, since the system is still in its infancy stages, the proceedings in the Division are usually not uploaded. The two applications deal with the subject of contempt of Court. Such borders on the liberty of persons and as such a Court ought to be availed with the entire records to be able to properly express itself.



5. The impugned orders were issue by another Judge and one of the applications speaks to the inability to comply with such orders. There is no doubt this Court ought to carefully consider all the records in adjudicating on the applications.
6. The circumstances in this matter, therefore, invite the following orders: -
  - a. The Hon Deputy Registrar shall avail the original Court files in High Court of Kenya at Nairobi Constitutional Petition No E049 of 2021 and Petition No E023 of 2021.
  - b. This matter shall be placed before the Presiding Judge for further proceedings.
- 7 Orders accordingly.

**DELIVERED, DATED AND SIGNED AT KITALE THIS 10<sup>TH</sup> DAY OF MARCH, 2023.**

**A. C. MRIMA**

**JUDGE**

