



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. E008 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF PROHIBITION

BETWEEN

ALEX MWANGI WAMBUI.....1ST APPLICANT

JAMES GATUKU MITI.....2ND APPLICANT

VERSUS

THE PRINCIPAL MAGISTRATE'S COURT AT KANDARA.....RESPONDENT

RULING

The Application

1. The Applicants herein have brought an application by a Chamber Summons dated 25h January 2021, in which they are seeking the following orders:

(a) That this Court be pleased to grant leave to the Applicants to apply for an order of prohibition directed to the Principal Magistrate's Court at Kandara prohibiting that Court and/or any other Magistrate or Magistrate's Court from hearing or further hearing and determining the Kandara Principal Magistrate Criminal Case No. 1486 of 2018 Republic vs Alex Mwangi Wambui and James Gatuku Miti.

(b) That the leave so granted do operate as a stay of proceedings in the Kandara Principal Magistrate Criminal Case No. 1486 of 2018 Republic vs Alex Mwangi Wambui and James Gatuku Miti.

(c) That the costs of this application be provided for.

2. The application is supported by a verifying affidavit sworn on 22nd January 2021 by the 1st Applicant.

3. I have perused the Applicants' Chamber Summons application and supporting documents, and note that the Applicants are seeking leave to bring orders in relation to criminal proceedings in the Kandara Principal Magistrate's Court, which is under the supervisory jurisdiction of the Muranga High Court.

4. In the premises I direct and orders that this suit be and is hereby transferred to the Muranga High Court for further hearing and determination. The Applicants' Chamber Summons dated 25th January 2021 shall accordingly be placed before the **Duty Judge** at the **Muranga High Court** on **24th February 2021**, for directions.

5. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling and orders by electronic mail to the Applicants, and to the Deputy Registrar of the Muranga High Court, by **close of business on 10th February 2021.**

6. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 1ST DAY OF FEBRUARY 2021

P. NYAMWEYA

JUDGE