



**Muyesu & another v Attorney General & 6 others; Wanjigi (Interested Party) (Petition E248 of 2023) [2025] KEHC 14769 (KLR) (Constitutional and Human Rights) (23 October 2025) (Directions)**

Neutral citation: [2025] KEHC 14769 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CONSTITUTIONAL AND HUMAN RIGHTS  
PETITION E248 OF 2023  
RE ABURILI, JM CHIGITI & LN MUGAMBI, JJ  
OCTOBER 23, 2025**

**BETWEEN**

**SHADRACK SHARU MUYESU ..... 1<sup>ST</sup> PETITIONER  
KLINSMAN MUNASE ..... 2<sup>ND</sup> PETITIONER**

**AND**

**THE HONOURABLE ATTORNEY GENERAL OF THE REPUBLIC OF  
KENYA ..... 1<sup>ST</sup> RESPONDENT  
GOVERNOR, CENTRAL BANK ..... 2<sup>ND</sup> RESPONDENT  
CONTROLLER OF BUDGET ..... 3<sup>RD</sup> RESPONDENT  
THE CABINET SECRETARY, NATIONAL TREASURY AND  
PLANNING ..... 4<sup>TH</sup> RESPONDENT  
THE NATIONAL ASSEMBLY ..... 5<sup>TH</sup> RESPONDENT  
THE NATIONAL TREASURY ..... 6<sup>TH</sup> RESPONDENT  
THE CENTRAL BANK OF KENYA ..... 7<sup>TH</sup> RESPONDENT**

**AND**

**HON. JIMI WANJIGI ..... INTERESTED PARTY**



## DIRECTIONS

### Bench Directions

1. When this matter came up for mention on 6<sup>th</sup> October, 2025 on an application dated 18<sup>th</sup> day of September, 2025 filed by the 1<sup>st</sup>, 4<sup>th</sup> and 6<sup>th</sup> Respondents seeking the consolidation of this Petition with Constitutional Petition No. E216 of 2025 between Okiya Omtatah Okoiti & 8 others versus H.E. (Former President) Uhuru Muigai Kenyatta & 21 others, this Bench was not fully constituted, as Hon. Mr. Justice L.N. Mugambi was engaged in other official duties.
2. Notwithstanding, it came to the attention of this bench that the Hon. Chief Justice had already empanelled a three-judge bench comprising Hon. Justices Gikonyo, Moses Ado and Josphine Mong'are, pursuant to Article 165(4) of *the Constitution*, for the purpose of hearing and determining Constitutional Petition No. E216 of 2025.
3. Whereas the parties to the two Petitions are not identical, our perusal of the pleadings in both Petitions reveal that the two Petitions substantially seek similar or overlapping reliefs. In our considered view, and in the interest of avoiding the risk of conflicting decisions and potential judicial embarrassment in this public interest litigation, as well as to promote the efficient use of judicial time and resources, it is prudent that the two Petitions be heard and determined together by a single bench.
4. We are not unaware that there appears to be no established precedent guiding the procedure to be adopted in circumstances such as the present, where practical difficulties arise in relation to petitions falling under Article 165(4) of *the Constitution*. Notably, the power to constitute a bench under the said Article is a preserve of the Hon. the Chief Justice and therefore one bench as constituted has no power to consolidate a matter with another matter pending before a different bench of Judges.
5. Accordingly, and in view of our above observations, we hereby respectfully place this file before the Hon. the Chief Justice for consideration of our recommendation to constitute one bench to hear and determine this Petition and Petition No. E216 of 2025 together and for such further directions as she may deem appropriate to issue.

**DATED AND SIGNED AT NAIROBI THIS 23<sup>RD</sup> DAY OF OCTOBER, 2025**

**R.E. ABURILI**

**JUDGE**

**CHIGITI (SC)**

**JUDGE**

**L.N. MUGAMBI**

**JUDGE**

