

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E386 OF 2025

ZHENG YUAN YUAN.....APPLICANT

VERSUS

DIRECTORATE OF CRIMINAL INVESTIGATIONS
(NAIROBI REGIONAL OFFICE).....1ST
RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. I have perused the Chamber Summons dated 4/12/2025 filed under certificate of urgency. I do not find any urgency involved, noting that the impugned investigations and orders which are sought to be challenged began were issued over one month ago. I decline to certify the matter as urgent.
2. On the leave sought to apply, I have considered the grounds in support of the chamber summons and the statutory statement and annexures. I do find that the applicant has an arguable case, which need not necessarily be meritorious but that at this stage, the court cannot delve into the merits

thereof until the applicant has been afforded the opportunity to be heard substantively.

3. I therefore grant the applicant leave to apply for judicial review orders as per the prayers in the chamber summons dated 4/12/2025.
4. The Substantive motion shall be filed and served within 21 days of today and in a fresh substantive judicial review file.
5. On whether leave to apply should operate as stay of any further investigations into the alleged criminal offence in view of the pending civil suit in Machakos HC Comm Case E023 of 2025, I am not satisfied that this Court should at this stage stop ongoing investigations into an alleged offence to establish whether the applicant may have committed an offence or not, in view of section 193 A of the Criminal Procedure Code which permits concurrent civil and criminal proceedings. The section provides:

"193A. Concurrent criminal and civil proceedings

Notwithstanding the provisions of any other written law, the fact that any matter in issue in any criminal proceedings is also directly or substantially in issue in any pending civil proceedings shall not be a ground for any stay, prohibition or delay of the criminal proceedings."

6. This is not to say that this Court cannot quash criminal proceedings which are instituted to achieve a collateral purpose, but that concurrent criminal and civil proceedings per se do not render criminal investigations unlawful.
7. Additionally, from the applicant's affidavit and statutory statement, it is clear that the DCI have already confiscated her mobile phone pursuant to the lawful orders of the court at the Chief Magistrate's Court at Milimani and extracted information from the said phone as part of their investigations.
8. I therefore decline to grant the stay sought.
9. I make no orders as to costs.
10. This file is closed.

Dated, Signed & Delivered virtually at Nairobi this 5th Day of December, 2025

**R.E. ABURILI
JUDGE**