



Ikunyua & another v Director of Public Prosecutions & another (Judicial Review E423 of 2025) [2025] KEHC 18976 (KLR) (22 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18976 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

JUDICIAL REVIEW E423 OF 2025

RE ABURILI, J

DECEMBER 22, 2025

**IN THE MATTER OF ARTICLE 50 OF THE CONSTITUTION OF KENYA 2010 AND
IN THE MATTER OF ARTICLE 157(11) OF THE CONSTITUTION OF KENYA 2010**

AND

**IN THE MATTER OF SECTION 4 OF THE
DIRECTOR OF PUBLIC PROSECUTION ACT AND**

BETWEEN

JOY NKIROTE IKUNYUA 1ST APPLICANT

ELIAS MUTUGWA IKUNYUA 2ND APPLICANT

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS 1ST RESPONDENT

BANKING FRAUD INVESTIGATING UNIT 2ND RESPONDENT

RULING

1. I have perused the chamber summons dated 22nd December, 2025 brought under certificate of urgency under the recess rules of the High Court.
2. I grant leave to be considered during the recess. The main chamber summons for leave application is however not certified as urgent.
3. On the main chamber summons for leave to apply for judicial review orders challenging their prosecution, I note that the same application was filed in this court vide JR E412 OF 2023 by Elias Mutugwa Ikunyua And Joy Nkirote Ikunyua vide chamber summons dated 18/12/2025 seeking leave of court to apply and this court gave directions on 19/12/2025 that the application be served upon



the respondents and submissions be filed. The matter which is JR E412 OF 2025 is due for mention on 26/1/2026 to fix a ruling date.

4. The court declined to grant conservatory orders noting that the applicants were aware of the impending prosecution having filed MISC APPL E459 OF 2024 on 26/11/2025 and were granted anticipatory bail.
5. The TWO applicants who have simply interchanged their order of applying and are back to court with a fresh application, same as the application in JR E412 of 2025 seeking the same orders
6. I find this application to be an abuse of court process and the applicants are mischievous.
7. The chamber summons dated 22nd December, 2025 is hereby dismissed.
8. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF DECEMBER, 2025

R.E. ABURILI

JUDGE

