

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**

**JUDICIAL REVIEW APPLICATION NO. E010 OF 2026**

SAMUEL MBUGUA MAINA.....APPLICANT

VERSUS

THE OFFICER IN-CHARGE CID STAREHE HEADQUATOR.....1<sup>ST</sup> RESPONDENT

THE OFFICER COMMANDING POLICE STATION,  
STAREHE POLICE STATION.....2<sup>ND</sup> RESPONDENT

THE INSPECTOR GENERAL  
OF THE NATIONAL POLICE SERVICE.....3<sup>RD</sup> RESPONDENT

THE DIRECTOR OF CRIMINAL  
INVESTIGATIONS DEPARTMENT.....4<sup>TH</sup> RESPONDENT

DIRECTOR OF PUBLIC PROSECUTION (DPP).....5<sup>TH</sup> RESPONDENT

AND

ABDULLAHI.....1<sup>ST</sup> INTERESTED PARTY

GALMA TUKYE.....2<sup>ND</sup> INTERESTED PARTY

HASSAN MAJANI.....3<sup>RD</sup> INTERESTED PARTY

**RULING**

1. The applicant's application dated 13<sup>th</sup> January 2026 is brought under certificate of urgency. I find no urgency involved. I decline to certify it as urgent.

2. On the prayers for leave to apply for Judicial Review orders of certiorari and prohibition, I have perused the application by way of chamber summons, the statutory statement and verifying affidavit.
3. Without delving into the merits of the intended motion, I am satisfied at this stage that the applicant has an arguable case, which need not necessarily be successful, but that the applicants .
4. I hereby grant leave to the applicant to file a substantive motion seeking to challenge the Respondent's decision to charge the applicant with the offences disclosed.
5. As the applicant has already paid for the substantive notice of motion which is on record and duly signed, I order that the Notice of Motion dated 13/1/2026 is hereby deemed to be duly filed.
6. I direct the applicant to forthwith effect service of the said Notice of Motion, the Chamber Summons and all accompanying documents together with this Ruling for leave to apply, upon the Respondents and Interested Parties, who shall have 10 days of the date of service to file and serve their responses to the Notice of Motion.
7. Thereafter, the applicant shall have 10 days of the date of service to file and serve a further affidavit if need be together with written submissions.
8. The Respondents and Interested Parties on their part shall have 10 days of date of service to file and serve written submissions.

9. The matter shall be mentioned on 25/2/2026 to confirm compliance and to fix a judgment date.

**Dated, Signed and Delivered at Nairobi this 19<sup>th</sup> Day of January, 2026**

**R.E. ABURILI  
JUDGE**

ORIGINAL