



**Ochieng & another v Director of Public Prosecutions & 3 others
(Judicial Review Miscellaneous Application E029 of 2025)
[2026] KEHC 1363 (KLR) (Judicial Review) (12 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1363 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E029 OF 2025
RE ABURILI, J
FEBRUARY 12, 2026**

BETWEEN

MATHEW OCHIENG 1ST EX PARTE APPLICANT

ANTONY OPIYO 2ND EX PARTE APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTIONS 1ST RESPONDENT

DIRECTOR OF CRIMINAL INVESTIGATIONS 2ND RESPONDENT

INSPECTOR GENERAL OF POLICE 3RD RESPONDENT

RENTCO AFRICA LIMITED 4TH RESPONDENT

RULING

1. On 30/12/2025, *vide* HC JR E114/2024, this Court dismissed a substantive application filed by the present applicants seeking the same orders as the ones that leave is herein being sought to apply *vide* the chamber summons dated 11/2/2026.
2. The reasons for the dismissal were mainly, that the substantive motion dated 11/9/2024 was seeking prayers for leave and not the substantive Judicial Review Orders.
3. The applicants have once again approached this court *vide* the chamber summons dated 11/2/2026 seeking leave of court to apply for orders of certiorari, declaration and independent investigations on alleged bribes and undue influence against officers of the 1st, 2nd & 3rd Respondents.



4. Essentially, the applicants seek to challenge their prosecution for offences of money laundering, conspiracy to commit a felony and stealing by servant as preferred by the Director of Public Prosecutions.
5. The JR E114/2024 was determined on 30/12/2025. The applicants have waited until 11/2/2026 to approach this court under certificate of urgency, after being summoned to appear before DCI on 11/2/2026 as per the notice of DCI dated 6/2/2026, served by C.I Susan Wambugu on 7/2/2026.
6. I do not find the application to be urgent. I decline to certify it as urgent. I further decline to grant any conservatory orders pending any intended process as the applicants have all along known that the DCI were investigating into allegations of money laundering, company fraud and stealing by servant against the applicants.
7. I however grant the applicant leave to apply for Judicial Review orders sought in the chamber summons dated 11/2/2026, as the issues raised are arguable. The substantive motion shall be filed and served within 21 days of today.
8. As these proceedings are commenced via Miscellaneous application, the substantive motion shall be filed in a fresh substantive Judicial Review file.
9. I make no orders as to costs of the application.
10. This file is closed.
11. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF FEBRUARY, 2026

R.E. ABURILI

JUDGE

