

REPUBLIC OF KENYA
HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW NO. E141 OF 2025

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

CAPITAL

MARKETS

AUTHORITY.....RESPONDENT

AND

**TRADE SENSE LIMITED1ST EXPARTE
APPLICANT**

MICHAEL GITONGA2ND EXPARTE APPLICANT

RULING:

- 1.** On 19th February 2025, representatives from the Respondent approached the court in the morning and informed the court that they wanted to introduce to the court what the Respondent does.
- 2.** The Judge informed the representatives of the Respondent that it was not professional to do so, given that there was a case pending before him. The Applicant's counsel was not aware of the foregoing.
- 3.** In the circumstances, and in order to uphold transparency and to be seen to be independent, when the matter came up for the cross examination of the Respondent's representative on 20th February, 2026 and for the ruling of two Applications dated 4th November 2025

and 10th November, 2025 that are pending, the court informed counsel of the foregoing in open Court.

4. Counsel for the litigants were of the same view and were in agreement that the right thing for the court to do in the circumstances is for the Judge to recuse himself which I hereby do.

Order;

- 1) I hereby recuse myself from this matter.
- 2) The matter shall be placed before the Presiding Judge on 24th February, 2026 for further directions.

It is so ordered.

Dated, signed and delivered at Nairobi this 20th day of February, 2026.

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**J. CHIGITI (SC)
JUDGE**