



Attorney General & another v Katiba Institute & 5 others (Civil Appeal (Application) E148 of 2023) [2024] KECA 768 (KLR) (5 July 2024) (Ruling)

Neutral citation: [2024] KECA 768 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E148 OF 2023**

DK MUSINGA, JA

JULY 5, 2024

BETWEEN

THE ATTORNEY GENERAL 1ST APPLICANT

THE INSPECTOR GENERAL OF POLICE 2ND APPLICANT

AND

KATIBA INSTITUTE 1ST RESPONDENT

AFRICA CENTRE FOR OPEN GOVERNANCE (AFRICOG) 2ND RESPONDENT

THE INDEPENDENT POLICING AND OVERSIGHT AUTHORITY 3RD RESPONDENT

INTERNATIONAL JUSTICE MISSION 4TH RESPONDENT

KENYA HUMAN RIGHTS COMMISSION 5TH RESPONDENT

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS. 6TH RESPONDENT

(An Application seeking leave to file and serve a Memorandum of Appeal and Record of Appeal out of time against the Judgment of the High Court of Kenya at Nairobi (Mrima, J.) delivered on 16th December 2022 in High Court Constitutional Petition No. 379 of 2017)

RULING

1. The applicants’ motion dated 14th April 2023 seeks leave to file and serve the memorandum of appeal and the record of appeal dated 14th April 2023 out of time. The applicants further pray that the said memorandum and record of appeal be deemed as duly filed and served properly.
2. The affidavit in support of the application by Gracie Museo Mutindi, an advocate practising as such in the Office of the Attorney General, states that the judgment sought to be appealed from was delivered



on 16th December 2022; that a notice of appeal was filed on 19th December 2022 and on the same day certified copies of the proceedings and judgment were sought; that on 20th December 2022 an undated and unsigned copy of the judgment was provided; that on 8th February 2023 certified copies of the proceedings were supplied, but it was not until 22nd March 2023 that a certified copy of the judgment was provided.

3. The application is not opposed as none of the respondents filed any replying affidavit. I am satisfied that the delay has been well explained. Consequently, I grant the orders as sought and make no orders as to costs.

DATED AND DELIVERED AT NAIROBI THIS 5TH DAY OF JULY, 2024.

D. K. MUSINGA, (P)

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR

