



**Nyangau v National Police Service Commission & 3 others (Civil Application E146 of 2021) [2022] KECA 815 (KLR) (28 April 2022) (Order)**

Neutral citation: [2022] KECA 815 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CIVIL APPLICATION E146 OF 2021**

**F TUIYOTT, JA**

**APRIL 28, 2022**

**BETWEEN**

**PETER MAOSA NYANGAU ..... APPLICANT**

**AND**

**NATIONAL POLICE SERVICE COMMISSION ..... 1<sup>ST</sup> RESPONDENT**

**INSPECTOR GENERAL NATIONAL POLICE SERVICE ..... 2<sup>ND</sup> RESPONDENT**

**DEPUTY INSPECTOR GENERAL KENYA POLICE SERVICE .... 3<sup>RD</sup>  
RESPONDENT**

**ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT**

*(An application for extension of time to file and serve a Notice of Appeal out of time against the judgment/decree (Mathews N. Nduma, J) dated and delivered on 30th January, 2020 in Bungoma ELRC Constitutional Petition No. 5 of 2018)*

**ORDER**

1. As I sat down to prepare the Ruling herein, I noticed an email dated 18<sup>th</sup> January, 2022 written by counsel for the respondent to counsel for the applicant and copied to Court complaining that the Respondent was yet to be served with the application, the subject of the intended Ruling.
2. I got in touch with the Deputy Registrar over the matter but she could not find evidence that the application had indeed been served on the respondent. It being so, I decided not to proceed with the preparation of the Ruling until the issue of service was resolved.
3. I now give the following directions: -
  - [3.1] This matter shall be fixed for further directions before the Deputy Registrar on a date to be communicated to the parties by the Deputy Registrar.



- [3.2] At that date of the directions, the applicant shall be required to prove that the application was indeed served and if so the matter shall be placed before me for preparation of the Ruling.
- [3.3] If service is not proved, then the Deputy Registrar shall issue further directions on service, filing of responses and submissions and re-list the matter for hearing before me on priority basis.

**MADE AT KISUMU THIS 28TH DAY OF APRIL, 2022.**

**F. TUIYOTT**

.....

**JUDGE OF APPEAL**

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

*Signed.*

**DEPUTY REGISTRAR**

