



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: E. GITHINJI, H. OKWENGU & J. MOHAMMED, JJ.A)

CIVIL APPEAL NO. 243 OF 2017

BETWEEN

PETER NDEGWA KIAI

T/A PEMA WINES & SPIRITS.....APPELLANT

AND

THE ATTORNEY GENERAL.....1ST RESPONDENT

THE CABINET SECRETARY FOR INTERNAL SECURITY

AND CO-ORDINATION OF NATIONAL GOVERNMENT.....2ND RESPONDENT

THE INSPECTOR GENERAL OF POLICE.....3RD RESPONDENT

(An appeal from the Judgment of the High Court of Kenya at Nairobi (J.M. Mativo, J), dated 6th June, 2017

in

High Court Constitutional Petition No. 323 of 2015)

RULING OF THE COURT

This appeal was heard by a Three-Judge bench that included Githinji, JA who has since retired from service. Although three judgments were prepared and duly signed by the respective judges, the judgments were not delivered while Githinji, JA was still in service. This is because the parties failed to attend Court for delivery of judgment despite the matter being fixed on two occasions and the parties duly served with notices to attend court for delivery of judgment.

As the judgments of the two remaining judges are not concurring, the judgments cannot now be delivered. The appeal is therefore referred to the Registrar of the Court of Appeal for a hearing date to be fixed on priority for the appeal to be heard afresh by another bench excluding, Okwengu, JA and J. Mohammed, JA.

DATED and delivered at Nairobi this 24th day of January, 2020.

HANNAH OKWENGU

.....

JUDGE OF APPEAL

J. MOHAMMED

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR