



REPUBLIC OF KENYA



**Sonko v Clerk, County Assembly of Nairobi City & 11 others (Petition
11 (E008) of 2022) [2022] KESC 26 (KLR) (15 July 2022) (Judgment)**

Neutral citation: [2022] KESC 26 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA**

PETITION 11 (E008) OF 2022

**MK KOOME, CJ & P, PM MWILU, DCJ & VP, MK IBRAHIM,
SC WANJALA, N NDUNGU, I LENAOLA & W OUKO, SCJJ**

JULY 15, 2022

BETWEEN

MIKE MBUVI SONKO APPELLANT

AND

CLERK, COUNTY ASSEMBLY OF NAIROBI CITY 1ST RESPONDENT

SPEAKER, NAIROBI CITY COUNTY ASSEMBLY 2ND RESPONDENT

NAIROBI CITY COUNTY ASSEMBLY 3RD RESPONDENT

CLERK OF THE SENATE OF KENYA 4TH RESPONDENT

SPEAKER OF THE SENATE OF KENYA 5TH RESPONDENT

SENATE OF KENYA 6TH RESPONDENT

ATTORNEY GENERAL 7TH RESPONDENT

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 8TH
RESPONDENT**

**ASSUMPTION OF THE OFFICE OF THE COUNTY GOVERNOR COMMITTEE
NAIROBI CITY COUNTY 9TH RESPONDENT**

**BENSON MUTURA, THE ACTING GOVERNOR, NAIROBI CITY
COUNTY 10TH RESPONDENT**

**ANN KANANU MWENDA, THE DEPUTY GOVERNOR, NAIROBI CITY
COUNTY 11TH RESPONDENT**

OKIYA OKOITI OMTATAH 12TH RESPONDENT

*(Being an Appeal from the Judgment of the Court of Appeal in Civil Appeal E425 of
2021 at Nairobi delivered on 4th March, 2022 (Nambuye, Okwengu & Laibuta, JJ.A))*



Role of courts in petitions challenging the impeachment of governors

The appellant was removed from the Office of Governor, Nairobi City County, by way of an impeachment motion initiated by the 2nd respondent (the County Assembly). The court held that its role was confined to deciding whether the governor's constitutional rights and fundamental freedoms had been breached and whether the procedures for removal from office had been followed. The court further found that the mover and all members in support of the impeachment motion signed a form and included the numbers of their identification cards against their names. The court held that that was the form of verification envisaged in the context of an impeachment motion and not an affidavit or any form of disposition. The court also held that impeachment proceedings were not in the nature of criminal proceedings and all that was required was that the allegations be substantiated.

Reported by Kakai Toili

Devolution - county governments - county governors - grounds of removal of a county governor from office - impeachment of county governors - nature of verification required in the context of an impeachment motion against a county governor to verify that the allegations therein were true - whether impeachment proceedings required criminal culpability to succeed - what was the role of courts in a petition challenging the impeachment of a governor - Nairobi City County Assembly Standing Orders, standing order 67(1).

Civil Practice and Procedure - appeals - appeals to the Supreme Court - appeals as a matter of right in cases involving the interpretation or application of the Constitution - what were the requirements for one to appeal to the Supreme Court as a matter of right in a case involving the interpretation or application of the Constitution - Constitution of Kenya, 2010, article 163(4)(a).

Brief facts

The appellant was removed from the Office of Governor, Nairobi City County, by way of an impeachment motion initiated by the 2nd respondent (the County Assembly). The decision of the County Assembly was confirmed by the 6th respondent (the Senate). Attempts by the appellant and the 12th respondent to overturn the decision through a challenge both in the High Court and the Court of Appeal were unsuccessful, precipitating the instant appeal.

The judgment of the Court of Appeal was impugned on among other grounds; whether due process was followed by the County Assembly in the removal of the appellant from the office of Governor; whether the appellant was accorded adequate time and facility to respond to the charges against him both at the County Assembly and in the Senate; whether it was mandatory to verify the impeachment motion by affidavits or other statements on oath by members of the County Assembly who allegedly supported the motion and whether public participation was undertaken.

The 3rd respondent filed a notice of preliminary objection challenging the jurisdiction of the court to entertain the appeal for the reasons that the court was improperly moved by invocation of the wrong constitutional and/or statutory provisions; that the issues in the appeal did not concern any question involving interpretation or application of the Constitution of Kenya, 2010 (Constitution). Equally, the 7th respondent in its grounds of objection raised the issue of jurisdiction and faulted the appellant for failing to specify the provisions under which he invoked the court's jurisdiction.

Issues

- i. What was the role of courts in a petition challenging the impeachment of a governor?
- ii. What were the grounds of removal of a county governor from office?
- iii. What was the nature of verification required in the context of an impeachment motion against a county governor to verify that the allegations were true.
- iv. Whether impeachment proceedings required criminal culpability to succeed.
- v. What were the requirements for one to appeal to the Supreme Court as a matter of right in a case involving the interpretation or application of the Constitution?



Held

1. Not every issue that was before the superior courts and which had been raised in the instant appeal was open for the court's determination in exercise of its appellate jurisdiction. Matters of fact that touched on evidence without any constitutional underpinning were not open for the court's review on appeal.
2. A constitutional mandate, which embodied the remit of impeachment, vested in the legislative branches of Government, in the instant case in the County Assembly and the Senate. It was in those two constitutional organs' exclusive spheres of jurisdiction, that the impeachment of a county governor was reposed. In discharging that function, they had to live by the edict of . Where it was alleged that any of them had failed to act in accordance with , then the courts were empowered by article 165 (3)(d) (ii) of the Constitution to determine that allegation. Similarly, the court could interfere where it had been demonstrated that there had been a failure to abide by the Standing Orders of either the County Assembly or the Senate, because those Standing Orders had a constitutional underpinning in article 124 of the Constitution.
3. The impeachment architecture in , the law and the Standing Orders left no doubt that removal of a governor related to accountability, political governance and personal responsibility and not necessarily about criminal responsibility. In so far as the process of removal of a governor from office was concerned, the court's role was confined to deciding whether the governor's constitutional rights and fundamental freedoms had been breached in the process and whether the procedures for removal from office had been followed, without the court constituting itself into any of the two constitutional organs in whose hands the power to remove was vested.
4. Without jurisdiction a court had no power and had to down tools in respect of the matter in question. Appeals from the Court of Appeal lay to the instant court pursuant to articles 163(4)(a) or 163(4)(b) of and that an appeal would not lie to the instant court, unless brought within the compass of either of the two jurisdictional limbs.
5. The appellant in his petition of appeal had expressly moved the court under two rules of the Court's Rules, namely the repealed rules, 9 and 33 of 2012. Properly cited, those two rules related to the contents of a petition of appeal and the time frame for lodging an appeal as well as the documents that formed the record of appeal. They clearly did not give jurisdiction to the court.
6. In view of the nature of its jurisdiction as far as appeals from the Court of Appeal were concerned, a party moving the court had to bear in mind the limits of its jurisdiction and had to decide either to seek a certification as a matter of general public importance (GPI) under article 163(4)(b) of or come as a matter of right under article 163(4)(a) thereof. Even when a party invoked the latter, it was upon the party to identify and specify how the appeal concerned interpretation and application of . It could never be the role of the court to wander around in the maze of pleadings and averments in order to assume jurisdiction by way of elimination.
7. It was incumbent upon the appellant to demonstrate *in limine* that the grievance he had presented to the court concerned the application or interpretation of which the Court of Appeal used to dispose of the matter in question before that court. The appellant had failed to do that. The preliminary objection met the threshold in *Mukisa Biscuit Manufacturing Co. Ltd v. West End Distributors Ltd* (1969) EA 696 and the court sustained it.
8. The impeachment proceedings before the County Assembly and the Senate were properly conducted in accordance with article 181 of , section 33 of the and Standing Orders of the County Assembly and the Senate.
9. The appellant was accorded adequate time and facility to respond to the charges against him both at the County Assembly and in the Senate considering the timelines stipulated in the law within which the Assembly and the Senate had to conclude their investigations and the prevailing *Covid-19* global pandemic restrictions that were in place at the time of the impeachment proceedings. The appellant



- had adequate time and facility, because he was able to sufficiently respond to the charges brought against him.
10. Standing order 67(1) of the Nairobi City County Assembly Standing Orders, required that the motion for impeachment had to be signed by the member moving the motion who affirmed that the particulars of allegations contained in the motion were true. In the same vein, each of the members constituting at least a third of all the members in support had to verify that the allegations therein were true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto. Each of them was required to signify that by signing a verification form provided by the clerk for that purpose.
 11. No material had been presented in the appeal to suggest that the Court of Appeal erred in its analysis and conclusion that the mover and all members in support signed the form and included the numbers of their identification cards against their names. That was the form of verification envisaged in the context of an impeachment motion and not an affidavit or any form of disposition.
 12. The two superior courts below in unanimity found uncontroverted evidence that the intended tabling before the County Assembly of a motion for the impeachment of the appellant was not only advertised in a local daily newspaper with wide circulation, in response to which people submitted memoranda, but also a survey was conducted in the county in the form of questionnaires. The proceedings were in public.
 13. Impeachment proceedings, though quasi-judicial were not in the nature of criminal proceedings. A litigant was not required to establish criminal culpability in order to succeed. All that was required was that the allegations be substantiated. But as a constitutional remedy, impeachment served as an important check on the exercise of Executive power regarding violations of law and abuses of power.
 14. There were four counts of impeachable charges against the appellant. The County Assembly, the Senate and the two superior courts below were convinced that the charges were proved to the standard required in such circumstances. The proof of even a single charge would be sufficient. Nothing had been placed before us to warrant the instant court's departure from the conclusions by the two superior courts.
 15. Under article 1 of , all sovereign power belonged to the people of Kenya. That power could only be exercised in accordance with . Further, the people could exercise that power either directly or through their democratically elected representatives. Specifically, sovereign power of the people was delegated to State organs such as Parliament and the legislative assemblies in the county governments. In the instant situation, the people exercised their power through the latter to uphold and defend Chapter Six of .
 16. The impeachment of the appellant was in compliance with and the law. Chapter Six of was not enacted in vain or for cosmetic reasons. The authority assigned to a State officer was a public trust to be exercised in a manner that demonstrated respect for the people; brought honour to the nation and dignity to the office and promoted public confidence in the integrity of the office. It vested in the State officer the responsibility to serve the people, rather than the power to rule them.

Appeal dismissed.

Orders

Each party to bear its own costs.

Citations

Cases

1. Daniel Kimani Njehia v. Francis Mwangi Kimani & Another (Civil Application 3 of 2014; [2015] eKLR) — Explained
2. Harun Meitamei Lempaka v Lemanken Aramat, Isaac Rutto & Independent Electoral & Boundaries Commission (IEBC) (Civil Appeal 276 of 2013; [2014] KECA 692 (KLR)) — Explained
3. Hermanus Phillipus Steyn v Giovanni Gneccchi-Ruscione (Application 4 of 2012; [2013] KESC 11 (KLR)) — Explained



4. Lawrence Nduttu & 6000 others v Kenya Breweries Ltd & another (Petition 3 of 2012; [2012] KESC 4 (KLR)) — Explained
5. Mwamlole Tchapu Mbwana v Independent Electoral and Boundaries Commission (IEBC) Kwale County Returning Officer Amina Hussein Soud Constituency Returning Officer for Kinango (Charo Kalume Charo) Lungalunga (Saha Madzungu Isaiah) Msambweni (Yusuf Abubakar Mohammed), Matuga (Kassim Mwangomba Kaema) Presiding Officer and the Deputy Presiding Officer, Baraza Park, Matuga, Salim Mvurya Mgala, Suleman Mwamlole Warrakah, Mwarapayo A. Mohamed Wa-Mwachai & Matsudzo Hamisi Mwamrezi (Election Appeal 4 of 2017; [2018] KECA 629 (KLR)) — Explained
6. National Rainbow Coalition Kenya (NARC Kenya) v Independent Electoral & Boundaries Commission; Tharaka Nithi County Assembly & 5 others (Interested Party) (Petition 1 of 2021; [2022] KESC 6 (KLR)) — Explained
7. Owners of the Motor Vessel “Lillian S” v Caltex Oil (Kenya) Ltd (Civil Appeal 50 of 1989; [1989] KECA 1 (KLR)) — Explained
8. McDonald v. Mabee (243 U.S. 90,91 [1915]) — Explained
9. Mukisa Biscuit Manufacturing Co. Ltd v. West End Distributors Ltd ([1969] EA 696) — Explained

Statutes

1. Constitution of Kenya, 2010 — Article 1; Article 124; Article 163(4)(b); Article 165(3)(d)(ii); Article 181; Chapter 6 — Interpreted
2. County Governments Act, 2012 (Act No. 17 of 2012) — Section 33 — Interpreted
3. Supreme Court Act, 2011 (Act No. 7 of 2011) — Section 3; Section 15 — Interpreted
4. Supreme Court Rules, 2021 — Rule 20(2) — Interpreted

Advocates

None mentioned

JUDGMENT

A. Introduction

1. The appellant, who until December 17, 2020 was the Governor of the Nairobi City County, was removed from office on that date by way of an impeachment motion initiated by the 2nd respondent (the Assembly). The decision of the County Assembly was confirmed by the 6th respondent (the Senate) pursuant to article 181 of the *Constitution*, section 33 of the *County Governments Act*, Standing Order No 67 of the Assembly and Standing Order No 75 of the Senate. Attempts by the appellant and the 12th respondent to overturn the decision through a challenge both in the High Court and the Court of Appeal were unsuccessful, precipitating this appeal.
2. It is not lost to us that, given the fact that the general elections are due to be held in the next 24 days, the determination of this appeal will have a direct bearing on the preparations being undertaken by the 8th respondent, especially in respect of the appellant who has declared his intention to contest an elective seat. The appeal, for these reasons is, therefore a matter of urgency. In those circumstances, we considered it paramount to deliver this judgment in this shortened version, to be followed, on a date to be notified, by detailed reasons, pursuant to rule 20(2) of the *Supreme Court Rules*, 2021.
3. The judgment of the Court of Appeal dated March 4, 2022 has been impugned on 24 grounds (listed as [a] to [x] in the petition of appeal but condensed in the appellant’s written submissions and argued in seven (7) clusters, as follows;
 - a. whether due process was followed by the County Assembly in the removal of the appellant from the office of Governor;



- b. whether the appellant was accorded adequate time and facility to respond to the charges against him both at the county assembly and in the Senate;
- c. whether it was mandatory to verify the impeachment motion by affidavits or other statements on oath by members of the County Assembly who allegedly supported the motion;
- d. whether public participation was undertaken;
- e. whether the charges were substantiated to the prescribed standard warranting removal of the appellant from the office; and
- f. whether the sovereignty of the people envisaged under article 1 of the Constitution was respected and protected in the removal process.

B. The Issues

4. After hearing the respective cases for the appellant and respondents hereto, and considering their written and oral submissions in support thereof; and cognizant of our duty to render determination on all the grounds in the appeal, we consider, for purposes of this abridged judgment, the seven grounds set out above sufficient to dispose of the appeal. We shall, in addition consider, in terms of the Notice of Preliminary objection filed by the 3rd respondent on July 13, 2022, whether the jurisdiction of this court has been properly invoked by the appellant.

We however emphasise that not every issue that was before the superior courts and which has been raised in this appeal is open for this court's determination in exercise of its appellate jurisdiction. Matters of fact that touch on evidence without any constitutional underpinning are not open for this court's review on appeal.

C. The Findings

5. It is quite clear to us that a constitutional mandate, which embodies the remit of impeachment, vests in the legislative branches of Government. In the instant case in the County Assembly and the Senate. It is in these two constitutional organs' exclusive spheres of jurisdiction, that the impeachment of a County Governor is reposed. In discharging this function, they must live by the edict of the Constitution. Where it is alleged that any of them has failed to act in accordance with the Constitution, then the courts are empowered by article 165(3)(d)(ii) to determine that allegation. Similarly, the court may interfere where it has been demonstrated that there has been a failure to abide by the Standing Orders of either the County Assembly or the Senate, because these Standing Orders have a constitutional underpinning in article 124.
6. The impeachment architecture in the Constitution, the law and the standing orders leaves no doubt that removal of a Governor relates to accountability, political governance and personal responsibility and not necessarily about criminal responsibility. It follows that in so far as the process of removal of a Governor from office is concerned, the court's role is confined to deciding whether the Governor's constitutional rights and fundamental freedoms have been breached in the process and whether the procedures for removal from office have been followed, without the court constituting itself into any of the two constitutional organs in whose hands the power to remove is vested.
7. Enough said by way of background and introduction. We turn to answer the specific issues we have set out in the preceding paragraph.



i. On whether the Court’s jurisdiction was properly invoked:

8. In Nyarangi JA’s time-honoured words in the *Owners of the Motor Vessel “Lillians” v Caltex Oil Kenya Limited* [1989] KLR 1, which were originally penned by the United States of America Supreme Court in 1915 in the case of *McDonald v Mabee*, 243 US 90,91 (1915), without jurisdiction a court has no power and must down tools in respect of the matter in question.
9. The 3rd respondent has objected to the jurisdiction of the court to entertain the appeal for the reasons that the court was improperly moved by invocation of the wrong constitutional and/or statutory provisions that cloth it with jurisdiction; that the issues in the appeal do not concern any question involving interpretation or application of the *Constitution* within the meaning of article 163(4)(a) of the *Constitution* and sections 3 and 15 of the *Supreme Court Act*. Equally, the 7th respondent in its grounds of objection raised the issue of jurisdiction. It faulted the appellant for failing to specify the provisions under which he invokes this court’s jurisdiction; and further, that this being a second appeal, this court is constrained to confine itself to matters of law.
10. It is elementary knowledge on account of a legion of decisions of this court that appeals from the Court of Appeal lie to this court pursuant to articles 163(4)(a) or 163(4)(b) of the *Constitution*; and that an appeal shall not lie to this court, unless brought within the compass of either of the two jurisdictional limbs.
11. It is not in contention that the appellant in his petition of appeal has expressly moved this court under two rules of this court’s, namely the repealed rules, 9 and 33 [of 2012]. Properly cited, these two rules relate to the contents of a petition of appeal and the timeframe for lodging an appeal as well as the documents that form the record of appeal. They clearly do not give jurisdiction to the court. In view of the nature of its jurisdiction as far as appeals from the Court of Appeal are concerned, a party moving this court must bear in mind the limits of its jurisdiction and must decide either to seek a certification as a matter of General Public Importance (GPI) under article 163(4)(b) of the *Constitution* or come as a matter of right under article 163(4)(a) thereof. Even when a party invokes the latter, it is upon the party to identify and specify how the appeal concerns interpretation and application of the *Constitution*. It can never be the role of the court to wander around in the maze of pleadings and averments in order to assume jurisdiction by way of elimination. That is what the court has consistently cautioned in decisions such as *Hermanus Phillipus Steyn v Giovanni Gneccbi-Ruscone* [2013] eKLR, *Daniel Kimani Njebia v Francis Mwangi Kimani & Another* [2015] eKLR, *Suleiman Mwamlole Warrakah & 2 others v Mwamlole Tchappu Mbwana & 4 others* [2018] eKLR, and *National Rainbow Coalition Kenya (NARC Kenya) v Independent Electoral & Boundaries Commission; Tharaka Nithi County Assembly & 5 others (Interested Party)*, SC Petition 1 of 2021; [2022] KESC 6 (KLR) (Civ) (17 February 2022).
12. Of significance, it is incumbent upon the appellant to demonstrate, *in limine* as directed by the court in *Lawrence Nduttu & 6000 others v Kenya Breweries Ltd & another* [2012] eKLR, that the grievance he has presented to the court concerns the application or interpretation of the *Constitution* which the Court of Appeal used to dispose of the matter in question before that court.
13. In this matter the appellant has failed to do this. The preliminary objection, we find, meets the threshold in *Mukisa Biscuit Manufacturing Co Ltd v West End Distributors ltd* [1969] EA 696 and we sustain it.
14. That conclusion would have been sufficient to dispose of this appeal in its entirety, as with it we would have been expected to down tools, but in view of the public interest nature of the dispute, the broad interests of both the parties, the need for due guidance to the judicial process and to the courts below and in terms of the court’s decision in *Lemanken Aramat v Harun Meitamei Lempaka & 2 others*



[2014] eKLR, we are minded, for the sake of posterity and development of jurisprudence to settle all the pertinent questions the appeal raises.

ii. On whether due process was followed by the County Assembly in the removal of the appellant from the office of Governor:

15. Upon full deliberation and conscientious consideration of the material before us, submissions and the law, we are satisfied that the impeachment proceedings before the County Assembly and the Senate were properly conducted in accordance with article 181 of the Constitution, section 33 of the County Governments Act and Standing Orders of the Assembly and the Senate. There is no merit in this ground.

iii. On whether the appellant was accorded adequate time and facility to respond to the charges against him both at the county assembly and in the Senate:

16. We answer this question in the affirmative considering the timelines stipulated in the law within which the Assembly and the Senate had to conclude their investigations and the prevailing Covid-19 Global Pandemic restrictions that were in place at the time of the impeachment proceedings. Just like the two superior courts, we are persuaded that, the appellant had adequate time and facility, because he was able to sufficiently respond to the charges brought against him.

iv. On whether it was mandatory to verify the impeachment motion by affidavits or other statements on oath by members of the County Assembly who allegedly supported the motion:

17. Standing Order 67(1) of the Nairobi City County Assembly Standing Orders, requires that the motion for impeachment must be signed by the Member moving the motion who affirms that the particulars of allegations contained in the Motion are true. In the same vein, each of the members constituting at least a third of all the members in support must “verify” that the allegations therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto. Each of them is required to signify this by signing a verification form provided by the Clerk for that purpose.
18. No material has been presented in this appeal to suggest that the Court of Appeal erred in its analysis and conclusion that the mover and all members in support signed the form and included the numbers of their identification cards against their names. That is the form of verification envisaged in the context of an impeachment motion and not an affidavit or any form of disposition. This ground, for these reasons must fail.

v. On whether public participation was undertaken:

19. The two superior courts below in unanimity found uncontroverted evidence that the intended tabling before the Assembly of a motion for the impeachment of the appellant was not only advertised in a local daily newspaper with wide circulation, in response to which people submitted memoranda, but also a survey was conducted in the County in the form of questionnaires. The proceedings were in public. As a result, we find no fault in the analysis and conclusion reached by the Court of Appeal in this ground. It fails.

vi. On whether the charges were substantiated to the prescribed standard warranting removal of the appellant from the office:

20. It has been observed at the beginning of the Judgment that impeachment proceedings, though quasi-judicial are not in the nature of criminal proceedings. It does not require criminal culpability to succeed. All that is required is that the allegations be substantiated. But as a constitutional remedy, impeachment



serves as an important check on the exercise of Executive power regarding violations of law and abuses of power.

21. There were four counts of impeachable charges against the appellant. The County Assembly, the Senate and the two superior courts below were convinced that the charges were proved to the standard required in such circumstances. The proof of even a single charge would be sufficient. Nothing has been placed before us to warrant our departure from the conclusions by the two superior courts. We find no merit in this ground.

vii. On whether the sovereignty of the people envisaged under article 1 of the Constitution was respected and protected in the removal process:

22. Indeed, under article 1 of the Constitution, all sovereign power belongs to the people of Kenya. That power can only be exercised in accordance with the Constitution. Further, the people may exercise that power either directly or through their democratically elected representatives. Specifically, sovereign power of the people is delegated to State organs such as Parliament and the Legislative Assemblies in the County governments.
23. In the instant situation, the people exercised their power through the latter to uphold and defend chapter six of the Constitution. To that extent this ground also fails.

D. Disposition

24. From the record and submissions before this court, we come to the irresistible conclusion that the impeachment of the appellant was in compliance with the Constitution and the law. We therefore find no merit in the petition of appeal.
25. It bears mentioning in conclusion that chapter six of the Constitution was not enacted in vain or for cosmetic reasons. The authority assigned to a State officer is a public trust to be exercised in a manner that demonstrates respect for the people; brings honour to the nation and dignity to the office; and promotes public confidence in the integrity of the office. It vests in the State officer the responsibility to serve the people, rather than the power to rule them.
26. This appeal lacks merit. It is accordingly dismissed.
27. Mwilu, DCJ & VP, Ibrahim & Wanjala, SCJJ concur with the majority in respect of the final orders and will render their concurring opinions at the time of issuance of the detailed Judgment.

E. costs

28. No doubt the petition raises substantive issues of law and of great public interest, and although costs follow the event, we think for these reasons, it is appropriate to order each party to meet its own costs.

F. Orders

- i. The Petition dated April 1, 2022 is hereby dismissed;
- ii. Each party to bear its own costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JULY, 2022

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M.K. KOOME



CHIEF JUSTICE & PRESIDENT OF THE SUPREME COURT

.....

P.M. MWILU

DEPUTY CHIEF JUSTICE & COURT VICE PRESIDENT OF THE SUPREME COURT

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M.K. IBRAHIM

JUSTICE OF THE SUPREME COURT

.....

S.C. WANJALA

JUSTICE OF THE SUPREME COURT

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NJOKI NDUNGU

JUSTICE OF THE SUPREME COURT

.....

I.LENAOLA

JUSTICE OF THE SUPREME COURT

.....

W. OUKO

JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

REGISTRAR

SUPREME COURT OF KENYA

