

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA

*(Coram: Koome, CJ & P, Mwilu, DCJ & VP, Ibrahim, Wanjala, Njoki, Lenaola,
Ouko SCJJ)*

PRESIDENTIAL ELECTION PETITION NO E005 OF 2022

RAILA ODINGA 1ST PETITIONER

MARTHA WANGARI KARUA2ND PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION..... 1ST RESPONDENT

WANYONYI WAFULA CHEBUKATI.....2ND RESPONDENT

BOYA MOLU.....3RD RESPONDENT

PROF ABDI YAKUB GULIYE4TH RESPONDENT

JULIANA WHONGE CHERERA.....5TH RESPONDENT

JUSTUS NYANGAYA6TH RESPONDENT

FRANCIS WANDERI 7TH RESPONDENT

IRENE MASSIT.....8TH RESPONDENT

WILLIAM SAMOEI RUTO9TH RESPONDENT

JULIUES ORENGE..... INTENDED INTERESTED PARTY

(Being an Application by Julius Orenge to be enjoined as an Interested Party)

RULING OF THE COURT

[1] UPON perusing the Notice of Motion application by the applicant, Julius Orenge, dated 26th August 2022 and filed on the even date, seeking to be enjoined in these proceedings as an Interested Party; and

[2] UPON reading the Supporting Affidavit of Julius Orenge, a Kenyan citizen and a registered voter, sworn on 26th August 2022; and

[3] UPON considering the grounds adduced by the applicant in support of the orders to be enjoined as an interested party, wherein he postulates that he shall demonstrate that in a National Election, successful electoral fraud arising from voters register on a sufficient scale can have the effect of a coup d’etat, protest or corruption of democracy; and

[4] CONSIDERING that the relevant law in that regard to interested parties is Rule 17A (4) of the Supreme Court (Presidential Election Petition) Rules, 2017, which provides that an application by any person as an interested party shall **not** be allowed in a presidential election Petition, we find as follows:

ORDERS:

- a. The application dated 26th August 2022 and filed on the same date seeking joinder of Julius Orenge as Interested Party to this Petition is hereby dismissed.*
- b. There shall be no orders as to costs.*

[5] It is so ordered.

DATED and **DELIVERED** at **NAIROBI** this 29th Day of August 2022.

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M.K KOOME

CHIEF JUSTICE & PRESIDENT OF THE SUPREME COURT

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**P.M MWILU DEPUTY CHIEF JUSTICE &
DEPUTY PRESIDENT OF THE SUPREME COURT**

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**M.K IBRAHIM
JUSTICE OF THE SUPREME COURT**

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**S.C WANJALA
JUSTICE OF THE SUPREME COURT**

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**NJOKI NDUNGU
JUSTICE OF THE SUPREME COURT**

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**I. LENAOLA
JUSTICE OF THE SUPREME COURT**

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**W. OUKO
JUSTICE OF THE SUPREME COURT**

I certify that this is a true copy of the original

**REGISTRAR
SUPREME COURT OF KENYA**