

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 KARUA 2ND PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION..... 1ST RESPONDENT
WANYONYI WAFULA CHEBUKATI..... 2ND RESPONDENT
BOYA MOLU..... 3RD RESPONDENT
PROF ABDI YAKUB GULIYE 4TH RESPONDENT
JULIANA WHONGE CHERERA..... 5TH RESPONDENT
JUSTUS NYANGAYA 6TH RESPONDENT
FRANCIS WANDERI 7TH RESPONDENT
IRENE MASSIT..... 8TH RESPONDENT
WILLIAM SAMOEI RUTO 9TH RESPONDENT
MILTON NYAKUNDI ORIKU..... INTENDED INTERESTED PARTY

*(Being an Application by Milton Nyakundi Oriku to be enjoined as an Interested
Party)*

RULING OF THE COURT

[1] UPON perusing the Notice of Motion Application by Milton Nyakundi Oriku, the Applicant, dated 23rd August 2022 and filed on 28th August 2022, seeking to be enjoined in these proceedings as an Interested Party; and

[2] UPON reading the Supporting Affidavit sworn on 23rd August 2022, of the said Milton Nyakundi Oriku, a Kenyan citizen, who is a registered voter and works as a journalist; and

[3] UPON considering the said application together with his written submissions dated 23rd August 2022 and filed on 28th August 2022, wherein the Applicant argues that he has an inherent interest in the outcome of the Petition as it raises fundamental issues which are integral to the protection of his rights as enshrined under Articles 10, 38, 73, 81, 86 and 140 of the Constitution; and that he has substantial issues to raise about the legitimacy of Forms 34A and Forms 34B which are central to Petition; and

[4] NOTING that no party has filed a response to the application; and

[5] WE NOTE that the relevant law in this regard is Rule 17A (4) of the Supreme Court (Presidential Petition) Rules 2017, which provides that an application by any person as an interested party shall **not** be allowed in a Presidential Election Petition.

[6] HAVING carefully considered the application, responses and submissions by the respective parties herein, we find no merit in the application. We accordingly, dismiss it.

ORDERS:

- a. The application dated 23rd August 2022 and filed on 28th August 2022 seeking joinder of Milton Nyakundi Oriku as Interested Party to this Petition is hereby dismissed.***
- b. There shall be no orders as to costs.***

[7] 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**

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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**