

**REPUBLIC OF KENYA**  
**IN THE SUPREME COURT OF KENYA**  
**PRESIDENTIAL ELECTION PETITION NO. E005 OF 2022**

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

**RAILA ODINGA ..... 1<sup>ST</sup> PETITIONER**

**MARTHA WANGARI KARUA .....2<sup>ND</sup> PETITIONER**

**VERSUS**

**INDEPENDENT ELECTORAL AND BOUNDARIES**

**COMMISSION..... 1<sup>ST</sup> RESPONDENT**

**WANYONYI WAFULA CHEBUKATI.....2<sup>ND</sup> RESPONDENT**

**BOYA MOLU.....3<sup>RD</sup> RESPONDENT**

**PROF. ABDI YAKUB GULIYE .....4<sup>TH</sup> RESPONDENT**

**JULIANA WHONGE CHERERA.....5<sup>TH</sup> RESPONDENT**

**JUSTUS NYANGAYA .....6<sup>TH</sup> RESPONDENT**

**FRANCIS WANDERI ..... 7<sup>TH</sup> RESPONDENT**

**IRENE MASIT.....8<sup>TH</sup> RESPONDENT**

**WILLIAM SAMOEI RUTO .....9<sup>TH</sup> RESPONDENT**

**MICHAEL MUTEMBEI alias**

**MAKARINA..... INTENDED INTERESTED PARTY**

*(Being an Application by Michael Mutembei alias Makarina to be enjoined as  
an Interested Party)*

**RULING OF THE COURT**

**[1] UPON** perusing the Notice of Motion Application by the Michael Mutembei alias Makarina, dated 24<sup>th</sup> August 2022 and lodged on 29<sup>th</sup> August 2022, seeking to be enjoined in these proceedings as an Interested Party; and

[2] UPON reading the Supporting Affidavit of Michael Mutembei *alias* Makarina sworn on 24<sup>th</sup> August 2022; and

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

[4] HAVING carefully considered the arguments made by the intended interested party in his application and the submission, we have also considered the provisions of Rule 17A (4) of the Supreme Court (Presidential Petition) Rules, 2017 which provide that an application by any person as an interested party shall **not** be allowed in a presidential election petition.

[5] For the foregoing reasons, the final Orders of the Court are as follows:

**ORDERS:**

- a. The application dated 24<sup>th</sup> August 2022 and filed on 29<sup>th</sup> August 2022 seeking joinder of Michael Mutembei alias Makarina as Interested Party to this petition is hereby dismissed.*
- b. There shall be no orders as to costs.*

[6] It is so ordered.

**DATED and DELIVERED at NAIROBI this 30<sup>th</sup> 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 &  
VICE 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**

.....  
**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**