



**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA**

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

**PETITION NO. E015 OF 2025**

**–BETWEEN–**

**ATTORNEY GENERAL ON BEHALF OF  
THE CABINET SECRETARY, MINISTRY OF  
INTERIOR AND COORDINATION OF  
NATIONAL GOVERNMENT..... APPELLANT**

**–AND–**

**NGURUMAN LIMITED..... RESPONDENT**

**Representation**

Mr. Odongo holding brief for Mr. Eredi for the Appellant  
*(Attorney General's Chambers)*

Messrs Muite, SC and Ngatia, SC leading Mr. Mosota for the Respondent  
*(Ahmednasir Abdullahi Advocates LLP)*

**RULING OF THE COURT**

**[1]** This matter came up for Mention before the Court on 20<sup>th</sup> January 2026. In his introductory address to the Court, Senior Counsel Mr. Muite at the outset, stated

that he and Mr. Ngatia, SC were appearing as lead counsel for Mr. Mosota who appears for the respondent. He however clarified that their appearance was limited to the mention of one issue and not for the purpose of arguing the substantive case. Counsel went on to state that he and Mr. Ngatia, SC were making an oral application seeking the vacation of an earlier Order that had been made by this Court on 23<sup>rd</sup> January 2024 in SC Petition No. 17 (E021), as consolidated with Petition No.24 (E027) of 2022- ***Zehrabanu Janmohamed S.C (Suing as the Executrix of the Estate of the Late H.E. Daniel Toroitich Arap Moi & another Vs Nathaniel K Lagat & four others.***

[2] The Order, whose vacation the two Senior Counsel seek reads as follows:

***“...henceforth, and from the date of the written communication issued by the Registrar, Mr. Ahmednasir Abdullahi, SC shall have no audience before the Supreme Court, either by himself, through an employee of his law firm, or any other person holding his brief, or acting pursuant to his instructions. ... For the foregoing reasons, the six (6) Justices of this Court now present to hear this matter, Ouko, SCJ being indisposed, suo motu make this formal Order recusing themselves from hearing this matter as long as Mr. Ahmednasir Abdullahi, SC is appearing either by himself, through an employee of his law firm, or any other persons holding his brief, or acting pursuant to his instructions in this consolidated appeal.”***

[3] The reasons and factors leading to this Order, are painstakingly articulated and documented in the main body of the said Order of 23<sup>rd</sup> January 2024. Mr. Muite, SC then proceeded to make the oral application seeking the vacation of that Order. He stated that the period of two years within which the Court recused itself from hearing matters where Mr. Ahmednasir Abdullahi, SC or employees of his firm or

anyone appearing on his behalf were appearing, had served its purpose. In the circumstances, it was their humble request that the Order be vacated.

**[4]** In support of the application, Mr. Ngatia, SC emphasized that it was now two Calendar Years since the Order was made. In his view, this was sufficient time for Mr. Ahmednasir Abdullahi, SC to introspect and take such action as was appropriate in the circumstances. Counsel went on to state that, in future, Mr. Ahmednasir Abdullahi, SC would engage with the judgments or rulings of the Court within the bounds of objective and respectful scholarly discourse. Counsel further submitted that the factors that may have prompted the *suo motu* order were now largely historical, and as such, both bench and bar ought not to be held hostage by historical facts. Consequently, it was his request that the order be lifted so as to allow Mr. Ahmednasir Abdullahi, SC an opportunity to practice law before this Court.

**[5]** On his part, Mr. Odongo, holding brief for Mr. Eredi for the appellant, the Hon. Attorney General, urged the Court to make a wise decision and give the parties appropriate guidance on the issue at hand.

**[6]** This Court asked Counsel to clarify whether there had been any undertaking by Mr. Ahmednasir Abdullahi, SC not to repeat the offensive conduct that had occasioned the *suo motu* Order. Both Messrs Muite, and Ngatia, informed the Court that they had held extensive discussions with the former and agreed on the need for any member of the bar to recognize and appreciate the high office of a Judge of the Supreme Court and indeed any other court. In this regard, they submitted that it was an irreducible minimum that the language used in commenting on court processes must be respectful of the office held by a Judge.

**[7]** Mr. Mosota who is engaged by the firm of Ahmednasir Abdullahi Advocates LLP, which firm represents the respondent, on his part, stated as follows:

***“I wish to state that the order that birthed the subject of these proceedings, has been well received and understood, as a corrective intervention, directed at preserving the dignity and the integrity of the process of this Court, My Lords. My Lords, that intervention has spoken, the lessons have been learnt, and the experience taken positively and like my colleagues, My Lords, I do believe that it has occasioned a sober reflection, and genuine remorse on the part of the Senior Counsel, and equally, my Lords, there has been an appreciation on the part of the Senior Counsel, that the relationship between the bar and the bench is not necessarily adversarial, but a custodial one, each entrusted with guarding the authority of the law. Therefore, Your Lordship, having said that, and with the firm belief, that the subject will recalibrate his conduct, especially in relation to the commentaries relating to matters before this Court and any other courts your Lordship, will be measured and with due regard to preserving the integrity, honor of the court and the members of the Court my Lords.”***

## **DECISION OF THE COURT**

**[8]** We have carefully considered the oral application and attendant submissions, urging us to vacate the *suo motu* Order of 23<sup>rd</sup> January 2024, the main elements of which, are clear on the face of the same. As already stated in the foregoing paragraphs, the reasons for the Order are amply articulated in the said Order.

**[9]** We have also taken into account the submissions of Counsel for the respondent. In this regard, we acknowledge the fact that given the grave nature of the matters that gave rise to the issuance of the Order in question; also noting that a period of two years has lapsed, we are persuaded that Mr. Ahmednasir Abdullahi,

SC has had an opportunity to introspect, and determine his relationship with this Court going forward. Indeed, the sanction we issued against Mr. Ahmednasir Abdullahi, SC was dictated by the need to protect the authority and dignity of the Court. Likewise, we have no reason at this moment, to doubt the assurances given to the Court by Messrs Muite, Ngatia, and Mosota regarding the undertaking by Mr. Ahmednasir Abdullahi, SC to uphold the decorum and dignity of this Court.

**[10]** As a consequence of the foregoing observations, it is our determination that Senior Counsel, Mr. Ahmednasir Abdullahi, an employee of his law firm, any other person holding his brief, or acting pursuant to his instructions, may from the date of this Ruling appear and practice before the Supreme Court of Kenya and specifically in respect of the proceedings herein. The Order issued on the 23<sup>rd</sup> January 2024 cannot however be vacated in the present matter as it was made in separate proceedings which have since been concluded.

It is so ordered.

**DATED and DELIVERED at NAIROBI this 23<sup>rd</sup> day of January, 2026.**

.....  
**M. K. KOOME**  
**CHIEF JUSTICE & PRESIDENT**  
**OF THE SUPREME COURT**

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

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

.....  
**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**

