

# **SPECIAL ISSUE**



# **THE KENYA GAZETTE**

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**NAIROBI, 13th February, 2009**

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GAZETTE NOTICE No. 1385

THE NATIONAL ASSEMBLY AND PRESIDENTIAL  
ELECTIONS ACT

(Cap. 7)

THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS  
REGULATIONS AND THE NATIONAL ASSEMBLY ELECTIONS  
(ELECTION PETITION) RULES

IN THE HIGH COURT OF KENYA AT NAIROBI

IN THE ELECTION PETITION FOR THE KAJIADO NORTH  
CONSTITUENCY IN WHICH MOSES SOMOINE OLE  
SAKUDA IS PETITIONER AND GEORGE SAITOTI,  
ELECTORAL COMMISSION OF KENYA AND  
GEORGE MORARA OKENYE ARE RESPONDENTS

NOTICE

(Pursuant to Rule 25 of the National Assembly Elections (Election  
Petition) Rules)

NOTICE is given that the above petitioner did on the 12th day of  
February, 2009 lodge at the office of the Registrar of the High Court  
an application for leave to withdraw the petition, of which application  
the following is a copy:

THE NATIONAL ASSEMBLY AND PRESIDENTIAL  
ELECTIONS ACT

(Cap. 7)

THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS  
REGULATIONS AND THE NATIONAL ASSEMBLY ELECTIONS  
(ELECTION PETITION) RULES

THE ELECTION OFFENCES ACT

(Cap. 66)

IN THE HIGH COURT OF KENYA AT NAIROBI

ELECTION PETITION No. 14 OF 2008

IN THE MATTER OF ELECTION FOR KAJIADO NORTH  
CONSTITUENCY

MOSES SOMOINE OLE SAKUDA—(Petitioner)

VERSUS

GEORGE SAITOTI—(First Respondent)  
ELECTORAL COMMISSION OF KENYA—(Second Respondent)  
GEORGE MORARA OKENYE—(Third Respondent)

THE PETITION OF MOSES SOMOINE OLE SAKUDA  
PRESENTED ON THE 21ST JANUARY, 2008.

NOTICE OF MOTION

(Pursuant to Rules 23, 24, 25 and 27 of the National Assembly  
Elections (Election Petition) Rules)

TAKE NOTICE that the Petitioner shall move the Election Court  
on such date and time as may be appointed by the Election Court for  
issuance of Orders—

1. That the Petitioner be granted leave to withdraw his Petition.
2. That the Election Court do issue any other or further orders as it  
may deem just and expedient.

Upon the following grounds:

- (a) Upon detailed reflection the petitioner does not wish to proceed  
with the petition.
- (b) The hearing of the petition may revive partisan politics in the  
constituency which shall be detrimental to the development of  
the constituency.
- (c) The subsistence of this petition is causing conflicts and  
disagreements among the constituents which are affecting the  
making and or implementation of various policy decisions in  
the constituency such as the creation of a new district, the  
Nairobi Metropolitan demarcation and other crucial matters of  
common interest and or benefit to the community to the  
detriment of the voters.
- (d) The petitioner intends to revert to his missionary and  
evangelical works which involve travelling to and staying out  
of the country, particularly the U.S.A. which works he cannot  
effectively undertake alongside the preparation for and the  
hearing of this petition.
- (e) The withdrawal of the petition shall bring reconciliation,  
harmony and peaceful co-existence among the voters in the  
entire constituency.
- (f) Further and or other grounds to be canvassed at the hearing of  
this application.

Dated the 12th February, 2009.

MOSES SOMOINE OLE SAKUDA,

Petitioner.

This Notice of Motion was taken out

Drawn and filed by:

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KYALO & ASSOCIATES,  
*Advocates,*  
Town House, 9th Floor,  
P.O. Box 5454-00100, Nairobi.

And take notice that under the National Assembly Elections (Election Petition) rules any person who might have been a petitioner in respect of the said election may, within seven days after the date of publication of this notice, give notice in writing to the Registrar of the High Court of his intention on the hearing of the application to be substituted as a petitioner.

Dated the 12th February, 2009.

MOSES SOMOINE OLE SAKUDA,  
*Petitioner.*