

Case ID: [2026] KEHC 144 (KLR) Copy

Title: Maina v Officer In-Charge CID Starehe Headquator & 4 others; Abdullahi & 2 others (Interested Parties) [2026] KEHC 144 (KLR) Copy

Court: High Court

Judges: RE Aburili

Date: 19 January 2026

Parties: Maina v Officer In-Charge CID Starehe Headquator & 4 others; Abdullahi & 2 others (Interested Parties) [2026] KEHC 144 (KLR) Copy

---- JUDGMENT TEXT ----

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

JUDICIAL REVIEW APPLICATION NO. E010 OF 2026

SAMUEL MBUGUA MAINA.....APPLICANT

VERSUS

THE OFFICER IN-CHARGE CID STAREHE HEADQUATOR.....1ST RESPONDENT

THE OFFICER COMMANDING POLICE STATION,

STAREHE POLICE STATION.....2ND RESPONDENT

THE INSPECTOR GENERAL

OF THE NATIONAL POLICE SERVICE.....3RD RESPONDENT

THE DIRECTOR OF CRIMINAL

INVESTIGATIONS DEPARTMENT.....4TH RESPONDENT

DIRECTOR OF PUBLIC PROSECUTION (DPP).....5TH RESPONDENT

AND

ABDULLAHI.....1ST INTERESTED PARTY

GALMA TUKYE.....2ND INTERESTED PARTY

HASSAN MAJANI.....3RD INTERESTED PARTY

RULING

The applicant's application dated 13th January 2026 is brought under certificate of urgency. I find no urgency involved. I decline to certify it as urgent.

On the prayers for leave to apply for Judicial Review orders of certiorari and prohibition, I have

perused the application by way of chamber summons, the statutory statement and verifying affidavit.

Without delving into the merits of the intended motion, I am satisfied at this stage that the applicant has an arguable case, which need not necessarily be successful, but that the applicants .

I hereby grant leave to the applicant to file a substantive motion seeking to challenge the Respondent's decision to charge the applicant with the offences disclosed.

As the applicant has already paid for the substantive notice of motion which is on record and duly signed, I order that the Notice of Motion dated 13/1/2026 is hereby deemed to be duly filed.

I direct the applicant to forthwith effect service of the said Notice of Motion, the Chamber Summons and all accompanying documents together with this Ruling for leave to apply, upon the Respondents and Interested Parties, who shall have 10 days of the date of service to file and serve their responses to the Notice of Motion.

Thereafter, the applicant shall have 10 days of the date of service to file and serve a further affidavit if need be together with written submissions.

The Respondents and Interested Parties on their part shall have 10 days of date of service to file and serve written submissions.

The matter shall be mentioned on 25/2/2026 to confirm compliance and to fix a judgment date.

Dated, Signed and Delivered at Nairobi this 19th Day of January, 2026

R.E. ABURILI

JUDGE