



Case Number:	Petition 1 of 2016
Date Delivered:	07 Mar 2016
Case Class:	Civil
Court:	Supreme Court of Kenya
Case Action:	Order
Judge:	Kalpana Hasmukhrai Rawal, Jackton Boma Ojwang, Mohammed Khadhar Ibrahim, Willy Munywoki Mutunga, Smokin Charles Wanjala, Njoki Susanna Ndungu
Citation:	Judges and Magistrates Vetting Board v Nicholas Randa Owano Ombija [2016] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Civil
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	Civil Appeal 281 of 2015
Case Outcome:	Petition Allowed.
History County:	Nairobi
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

(Coram: Mutunga CJ & P; Rawal DCJ & V-P; Ibrahim, Ojwang, Wanjala & Njoki, SCJJ)

PETITION NO. 1 OF 2016

–BETWEEN–

THE JUDGES AND MAGISTRATES VETTING BOARDPETITIONER

–AND–

NICHOLAS RANDA OWANO OMBIJA.....RESPONDENT

**(An appeal from the Judgment of the Court of Appeal in Nairobi Civil Appeal NO. 281 of 2015
(Kariuki, Sichale and Mohammed, JJA) dated and delivered on**

14th December 2015)

ORDERS OF THE COURT

Upon considering all the documents tendered by the parties, as well as the detailed submissions of learned counsel, we have formulated a Judgment that will be issued on notice, but the specific Orders of which we now issue, as follows:

- (1) The Petition is allowed, on the following specific terms.**
- (2) The process of vetting by the Petitioner had commenced before 31st December, 2015.**
- (3) The Petitioner shall proceed with the process of hearing, and shall conclude the vetting of the Respondent without any further delay.**
- (4) To accord the Respondent full opportunity to partake of his rights to a fair hearing, as well as his right of review, the vetting shall proceed on a day-to-day basis, until concluded by 31st March, 2016, in accordance with the law.**
- (5) As established in the precedents of this Court, the vetting process shall be limited to matters arising upto 27th August, 2010.**
- (6) As the petitioner had annulled its decision of 21st December, 2012 and the proceedings leading thereto, the parties legally revert to the position prevailing as at 30th July, 2012.**
- (7) The parties shall bear their respective costs, in respect of the appeal herein.**

Orders accordingly.

DATED and DELIVERED at NAIROBI this 7th day of March, 2016.

.....
W.M. MUTUNGA

**CHIEF JUSTICE & PRESIDENT
COURT**

.....
K.H. RAWAL

**DEPUTY CHIEF JUSTICE & SUPREME
VICE-PRESIDENT**

.....
M.K. IBRAHIM

**JUSTICE OF THE SUPREME
COURT**

.....
J.B. OJWANG

**JUSTICE OF THE SUPREME
COURT**

.....
S.C. WANJALA

JUSTICE OF THE SUPREME COURT

.....
S.N. NDUNGU

JUSTICE OF THE SUPREME COURT

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