



Case Number:	Election Petition 1 of 2017
Date Delivered:	10 Nov 2017
Case Class:	Civil
Court:	High Court at Makueni
Case Action:	Directions
Judge:	Mutungu Charles Kariuki
Citation:	Philip Kyalo Kituti Kaloki v Independent Electoral and Boundaries Commission & 2 others [2017] eKLR
Advocates:	none mentioned
Case Summary:	-
Court Division:	Civil
History Magistrates:	-
County:	Makueni
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

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**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**ELECTION PETITION NO. 1 OF 2017**

**IN THE MATTER OF ARTICLES 35, 38, 48, 81, 86 AND 88 OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF THE ELECTIONS ACT NO. 24 OF 2011 LAWS OF KENYA, THE ELECTIONS (GENERAL) REGULATIONS, 2012, THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017 AND THE ELECTIONS (PARLIAMENTARY**

**AND**

**IN THE MATTER OF THE ELECTION OFFENCES ACT NO. 37 OF 2016**

**AND**

**IN THE MATTER OF THE ACCESS TO INFORMATION ACT NO. 31 OF 2016**

**AND**

**IN THE MATTER OF THE ELECTORAL AND BOUNDARIES COMMISSION ACT NO.9 OF 2011**

**AND**

**IN THE MATTER OF THE MEMBER OF NATIONAL ASSEMBLY ELECTIONS FOR KIBWEZI EAST CONSTITUENCY HELD ON 8<sup>TH</sup> AUGUST 2017**

**BETWEEN**

**PHILIP KYALO KITUTI KALOKI.....PETITIONER/APPLICANT**

**-VERSUS-**

**THE INDEPENDENT ELECTORAL AND**

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

**THE RETURNING OFFICER,**

**KIBWEZI EAST CONSTITUENCY.....2<sup>ND</sup> RESPONDENT**

**JESSICA NDUKU KIKO MBALU.....3<sup>RD</sup> RESPONDENT**

**DIRECTIONS**

Pursuant to PROVISIONS of the PROVISIONS of Rule 15, 16 and 17 of the Elections (Parliamentary

and County Elections) Petition Rules 2017 and in Agreement of all the parties the following directions are hereby issued:-

1. That each side namely Petitioner, Respondent 1 and 2 and 3<sup>rd</sup> Respondent shall have a maximum of 3 days each to present their evidence.
2. The Respondent and the 3<sup>rd</sup> Respondent shall have a maximum of 2 witnesses each namely a party and chief agent to be heard in chief for thirty minutes, cross examined for one hour and re-examination for thirty minutes respectively.
3. In respect of the remaining 18 witnesses for the Petitioner and 15 witnesses for the 3<sup>rd</sup> Respondent each witness to adopt his/her affidavit as evidence in chief. Cross examination to take a maximum of thirty minutes and re-examination to take a maximum of fifteen minutes.
4. In respect of the Respondent No. 1 and 2, the 2<sup>nd</sup> Respondent whose evidence in chief shall take a maximum of four hours by each of the other parties. (Petitioner and Respondent No. 3) and the re-examination a maximum of four (4) hours.
5. Parties to strictly keep their timelines with a possibility of an agreement in reducing or increasing time allocated upon consultation and concurrence of the court.
6. During the hearing date on 05/12/2017, parties will take one hour 9.00 a.m. to 10.00 a.m. to deal with directions on the results of the exercise on access to information ordered on 10/11/2017.
7. The draft issue to be circulated by the court after craft of the same together with these directions on or before the hearing dates.
8. The hearings shall be commencing at 9.00 a.m. with one hour break and end at 5.00 p.m.
9. In respect of the implementation of orders of 10/11/2017, parties and the Deputy Registrar of the court plus the Returning Officer of the 1<sup>st</sup> Respondent to attend the placing of the seals on 24/11/2017 at 9.30 a.m. at the place the Election Materials are housed at Wote.
10. The reading of the KIEMS diaries and information thereof to be undertaken by parties and the Deputy Registrar on 30/11/2017 at 2.30 p.m. in Nairobi 1<sup>st</sup> Respondent premises.

**ISSUED THIS 10<sup>TH</sup> DAY OF NOVEMBER 2017.**

**C. KARIUKI**

**JUDGE**



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