

SPECIAL ISSUE



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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.

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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.