

Mary Deya gets three years for stealing baby

BY ROY AGOYA

MARY Juma Deya, of the miracle babies infamy, has been jailed for three years for stealing a baby.

Mary was also convicted on two separate counts of cheating and ordered to serve two years for each.

The sentences, the court said, runs concurrently, thus, she will be at the Lang'ata Women's Prison for a total of three years.

Mary, an ex-convict, was first jailed in 2004 for being part of a racket involved in stealing babies. She was arrested in 2005 shortly after completing the term and has been on trial.

Passing sentence, Kibera senior principal magistrate Grace Nzioka said Mary was convicted purely on circumstantial evidence.

She said she was basing her judgment on the weight of doctors who ruled out Mary's possible delivery.

Mary gave an unsworn testimony and did not call any witnesses in her defence.

The prosecution was thus locked out of cross-examining her on her claims.

She was arrested on September 10 2005 at the Nairobi Hospital where she had gone to deliver.

However, she would not be admitted at the hospital because she did not have Sh80,000 deposit for maternity and was referred to



JAILED: Mary Deya, an ex-convict, was also convicted of two counts of cheating.

Kenyatta National Hospital.

Doctors who testified in the case maintained Mary had reached menopause and was medically incapable of conceiving.

The court heard that on the same day, her husband Gilbert Deya, called a police corporal Fatma Ali

telling her to go to KNH where his wife had delivered a baby boy. The court heard that Deya told the officer to "go and witness the miracle".

The case dragged in court for five years as lawyers made separate injunctions.

"According to evidence,

DNA profiling proved Deya had no blood relation with the baby, her uterus was normal, the vagina had no tears," said the magistrate in her judgement.

In mitigation, Mary said she had suffered public ridicule and asked the court to consider her age. She has 14 days to appeal.

Photo/DAVID NDULO

Mbiyu Koinange's son on Sh1m bail in murder case

BY IRENE WAIRIMU

THE son of a former prominent cabinet minister charged with two counts of murder has been released on bond.

David Njuno Mbiyu, son of the late Mbiyu Koinange, was yesterday granted a Sh1 million bond with two sureties of similar amount pending hearing and determination of the case.

Justice William Ouko also released Johnston Kipkurui Kipsigat, Nicholas Ngetich and Stephen Mwanzia charged alongside him, with Sh500,000 each and sureties of the same amount. The four were ordered to report to court once every month starting February 28.

They were also directed to deposit their passports with the court. The hearing was set for June 7 to 9.

Narc-K takes parties fund allocation suit to tribunal

BY CAROLE MAINA

NARC-KENYA is taking its legal battle over the parties funds to the new Political Parties Dispute Tribunal.

The party told High Court it is seeking to challenge fresh allocation of political parties funds allocated to PNU and its affiliates.

Through lawyer Cecil Miller, the party said it is aggrieved by the Registrar of Political Parties Lucy Ndung'u's decision that saw it lose its bid to get a large share of funds.

The Registrar informed court last week that Narc-K would receive Sh2.6 million out of Sh48.7 million allocated to PNU following a court order.

Narc-K has been pushing for the large share of PNU funds, on grounds that it has the most numbers of seats in parliament compared to other PNU affiliates.

It has been the party's contention that it should be allocated 60 per cent of the money earmarked for PNU because it contributed the highest parliamentary votes compared to other affiliates.

The largest share went to PNU which has been allocated Sh23.4 million.

DP got Sh3.5 million, Kanu Sh 6.9million, Safina Party Sh4.3 million and TIP party gets Sh1 million.

The registrar said she distributed the money in accordance with the Political Parties Act and in compliance with Justice Kalpana Rawal's judgement.



SUED: Lucy Ndung'u

Nyali resident wants mobile phone taxes to fund healthcare

BY STAR REPORTER

A man has filed a case seeking to have tax deducted from mobile phone calls channelled into healthcare and education.

John Kameta, a resident of Nyali in Mombasa, wants the High Court to help improve governance in accordance with the constitution.

He wants the court to direct the National Assembly to consider and debate a proposed bill which will provide the 26 per cent of the retail end-user cost of a telephone call that the government deducts as VAT excise tax be excluded from the Consolidated Fund.

Company given staying orders in Sh250m plot row

BY ALPHONCE MUNG'AHU

A construction company has obtained court orders restraining another firm from evicting it out of a Sh250 million development project in Nairobi.

Suray Property Group Ltd has sued W-Developers Ltd and its two directors for preventing it from carrying out its developments on LR 12239/10 project.

Suray, through its lawyer Cecil Miller, has obtained restraining orders which will operate until the determination of the suit before Justice Muga Apondi.

Justice Apondi adjourned the case until February 21.

The court has stopped the W-Developers Ltd from denying the plaintiff access to the development site until completion of the project already initiated.

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