

Prison to produce inmate in Kirubi's Sh147m case

Three drug suspects released on bond

BY CAROLE MAINA

A court yesterday directed prison authorities to produce an inmate for the hearing of a Sh147 million Uchumi fraud case against businessman Chris Kirubi and 13 others.

Nairobi chief magistrate Gilbert Mutembei directed that Francis Oyugi, who is serving a sentence at the Industrial Area prison, be brought to court.

The hearing was scheduled to resume yesterday but the magistrate postponed it after the accused's lawyer said it was Oyugi's right to be present in court.

Lawyer Chacha Odera told court that the law requires suspects in such cases to be present in court during trial.

The former Kenya Wines Agency boss was jailed in December for three years in a different case in which he was charged with abuse of office.

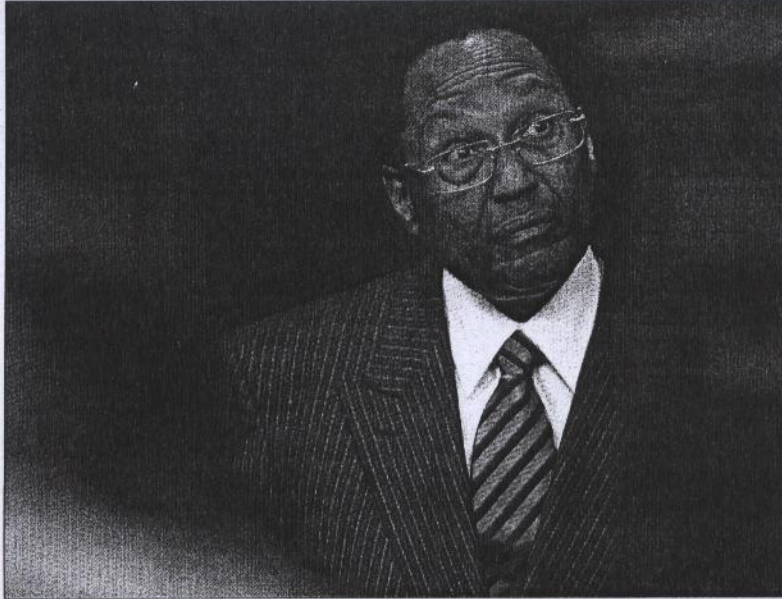
He was given an option of paying a fine of Sh1 million.

Mutembei ruled in his favour and directed that he be brought to court today, as the case cannot proceed in his absence.

The Uchumi fraud case was filed by the Attorney General in June 2008.

Yesterday, prosecutor Mungai Warui told the court that three witnesses are remaining.

Kirubi and the 13 others are accused of selling Uchumi Aga Khan



Photo/ CHARLES KIRUBI

ON TRIAL: Former Uchumi board chairman Chris Kirubi at the high court yesterday.

Walk branch through fraudulent means.

They allegedly sold the property to Allgate Limited for Sh147 million and then leased it back to the supermarket at an inflated monthly rent of

Sh1.7 million.

Kirubi then served as the chairman of the board of directors of Uchumi chain of supermarkets.

Also charged are former managing director of Property Dealers, Lyod Masika, Stephen Njoroge,

Deepak Kantil Shah and Atul Raichard Shah, Nigel Ralph Pavitt, Amin Akbekali Manji and Shamasha Habib Manji and Munyiri Munene. Others are Kezzy Muniu, Kennedy Thairu and Isaac Awuondo.

THREE women charged with drug trafficking have been released on bond.

The police wanted Scola Namuyu, Pamela Akinyi and Beatrice Adhiambo detained until the conclusion of the case but a magistrate set them free.

The suspects are required to report to the head of anti-narcotics police unit every week after depositing their Sh1 million bonds.

They are also required to deposit their passports in court to ensure they do not travel out of the country, the magistrate ruled.

The police described Namuyu as "a notorious drug dealer who already has a pending case at the Nairobi law courts in which she was freed on bond."

The three were arrested in an operation in Lavington Estate, Nairobi.

Police said Akinyi was found with 88 pellets of cocaine.

The three have denied trafficking in cocaine worth Sh4 million.

During the arrest, the police raided Namuyu's lavish house in Lavington where heroine and cocaine worth Sh645,600 was found.

Adhiambo was found with the two women inside a parked car where more drugs were discovered. She was pregnant then and took a plea soon after giving birth.

The hearing begins on April 20.

KPCU's Sh650m case put off

BY ALPHONCE MUNG'AHU

THE hearing of a Sh650 million suit against Kenya Planters Co-operative Union has been adjourned until next Thursday.

Justice Muga Apondi Milimani Commercial Courts put off the case in which KCB has sued KPCU seeking to recover Sh650 million debt.

During the hearing KPCU lawyer Peter King'ara urged the court to dismiss the bank's claims, saying what it is seeking to recover is false.

Lawyer King'ara said KPCU cleared all its outstanding debt with KCB. He told the court that the bank interfered with his client's bank accounts showing false information.

He said KCB is fraudulently claiming the money which had been cleared. King'ara took justice Apondi through several documents confirming how the union paid its debts to KCB.

He asked the court to compel KCB to lift orders of receivership against KPCU.

The KPCU has moved



Photo/ FILE

FIGHTING: George Mathenge, Daniel Gatutha and lawyer Peter King'ara for the KPCU leave the court.

to court seeking orders to compel the bank to lift receiving orders which has paralysed the union's operations.

A week ago coffee farmers also filed an application asking the court to allow them to be enjoined in the suit as co-plaintiffs to enable them contribute money to lift the union out of receivership.

The farmers, through their lawyer Anthony Muriithi informed the court that the farmers, who

are shareholders, want to contribute Sh1,000 each to settle the alleged debt.

A number of associations representing the 750,000 coffee farmers from all over the country wish to be enjoined in the case.

The associations say they want to be enjoined in the suit to protect farmers' interests.

The associations also said they will pay any amount that may be found outstanding, due to the KCB.

UN staffer ordered to give up boy

BY PAMELA CHEPKEMEI

A UN employee has been ordered by a court to produce his three-year-old boy following a custody dispute with his wife.

The Nairobi children's court magistrate ordered Girmay Haile, a senior employee with the UNAids to appear in court personally with the boy on March 17.

He is accused of disobeying court orders directing him to hand over the child to his wife.

The court also directed

that the summons be served through the diplomatic police unit because Haile is a senior employee of the UN.

The magistrate issued the orders following an application by the wife.

The couple, who got married in 2007, is separated.

The court ordered that the boy lives with his mother and allowed Haile to see the child on some days.

The wife moved to court after Haile took away the baby on February 23 and refused to return him.

Her lawyer Cecil Miller told the court that she fears that the action by her husband will deny the baby parental care and maternal love.

Miller argued that the child is of tender age and it is necessary that he lives with his mother.

The woman wants the court to order her husband to hand over the child to her and suspend Haile's access to the child.

She claims that the man has been denying that he has the boy.

Court stops Kisii council workers polls

BY ANGWENYI GICHANA

A Kisii court has stopped the Kenya Local Government Workers' Union Kisii branch elections.

A branch official filed an application seeking to have outgoing chairman and secretary barred from participating or contesting in the elections.

Hamisi Gisiara, through lawyer Cyrus Minda, named the union, chairman Simon Mokandu and Thomas Gwaro as the first, sec-

ond and third respondents respectively.

Mokandu and Gwaro were to defend their seats in the election.

He wants the two restrained from attending, participating and disrupting the polls.

He argued that Mokandu and Gwaro, who used to work for the Kisii Municipal Council were suspended on October 8, 2010 and later dismissed.

Gisiara said according to rules of the union, the two

are not eligible to vote or vie for posts as they have already been sacked.

He asked resident magistrate Phyllis Shinyanda to grant his application which she did.

Shinyanda said that she was satisfied that the applicant had shown that there was urgency in the matter.

Before the elections were postponed, there was a heavy presence of police at the gate's court.

Shinyanda set hearing of the case on March 16.