

Appeal to overturn boundaries ruling rejected

Photo/CHARLES KIMANI



WIN: John Kimanathi who sued over IIBRC boundaries.

BY CAROLE MAINA

The High Court yesterday dealt a final blow to the IIBRC when it refused to allow the commission to gazette the new constituencies.

The court dealt the IIBRC the blow by refusing to lift an earlier order barring gazetting of the boundaries.

The ruling is also a blow to the taxpayer as the Ligale team spent close to Sh1 billion.

The life of the IIBRC came to an end

yesterday and cannot be extended.

In his ruling, High Court Justice Daniel Musinga said that IIBRC did not fully comply with the mandatory constitutional requirements as stipulated in article 89(9) and section 27 (1) b of the sixth schedule.

Justice Musinga said there was no way any person could tell whether the desired population quota as defined in the constitution had been realized or not.

A businessman John Kimathi had sued to block the gazetting of the boundaries.

Two murder suspects set free

BY IRENE WAIRIMU

TWO men who had been charged with murder were yesterday freed for lack of evidence.

The High Court at Nairobi found that the prosecution had not offered evidence to implicate them. Justice William Ouko found that Harrison Kinuthia and Michael Wekono had no case to answer. He, however, ordered that Stephen Wekoe who was charged alongside the two be put on his defence.

The three were charged with the murder of Virginia Karimari on March 28 at Nyairoko village in Nyandarua district.

The court had been told that Karimari and her husband Peter Wafula were attacked by a gang as they walked home from a bar. 8.00 pm.

They were alleged to have overpowered Wafula by hitting him on the head and leaving him for dead. Wafula had told the court that when he came to he found his wife missing.

He told the court that after a search he found his wife lying unconscious by the roadside and took her home. She died the following day.

The 55-year-old man reported the incident to the police who went to his home and recovered the body of his wife.

Wafula told the court that he had recognised Wekoe during the attack by his voice.

Sonko set free on Sh1 million bond

The MP is accused of defrauding Tile and Carpet out of Sh2.8 million in a deal to sell the company land in Kwale district

BY ROY AGOYA

MAKADARA MP Gidion Kioko Mbuvi aka Sonko was yesterday granted bail by a Kibera court.

The MP is facing two fraud cases. A warrant for his arrest which his lawyers said had not been executed for seven years was cancelled. The court set December 28 for the hearing of the three fraud related cases.

The MP is accused of defrauding Tile and Carpet out of Sh2.8 million in a deal to sell the company land in Kwale district.

He is also charged that he defrauded a businesswoman of Sh500,000 promising to import a car for her.

The question of him having escaped from Shimo La Tewa Prison was cleared yesterday after his lawyers Cecil Miller, Paul Muite, Cliff Ombeta among others, presented a release order from the High Court that had set him free. Sonko spent the last three days in police cus-



Photo/CHARLES KIMANI

FREE: Gidion Mbuvi aka Sonko at the Kibera law court for the hearing of his case.

tody after Kibera Chief Magistrate Cecilia Githua denied him bond. The prosecution had insisted that he be denied bond arguing he may abscond and that they needed time for more investigations.

The charge sheet was also amended to correct his names and the charges read to him afresh.

He denied the new charges read to him.

The flashy 35-year-old politician was granted a Sh1 million bond. The fraud related offence he is said charged with are said to have been committed on August 16, 2006 at

Tile and Carpet along Mombasa Road in Nairobi.

The case will now be heard on December 28.

The prosecution is expected to consolidate the case with that of another alleged criminal case in which his co-accused is out on a bond of Sh1million.

Mbuvi was also granted a bond of Sh500,000 and a similar surety or an alternative cash bail of Sh300,000 in the case he is alleged to have obtained Sh500,000 fraudulently from Patience Kogo for the importation of a car for her. He

allegedly committed the offence in Mombasa town on November 24, 2009.

And in the afternoon, a warrant of arrest issued against him was cancelled.

Even before the court session was over, his supporters who were in the courtroom disrupted court proceedings when they broke into song and dance.

They were celebrating his release. They quickly rushed out of court to inform more of his supporters who had camped outside the court.

5 suspected recruits for Al-Shabaab out on bond

BY BRIAN OTIENO AND JOHN GATHUNGU

FIVE suspected al-Shabaab recruits were yesterday released on bond by a Mombasa court.

The five were among nine people arrested last week for allegedly agreeing to be recruited to join Al-Shabaab.

They were each released on a Sh200,000 bond with a surety of the same amount.

The five were Mohammed Adam Yusuf, 28, Juma Mir Khan, 18, Hassan Mohammed, 21, Swalleh Abdul Majid, 19 and Mbwana Mohammed Mbwana, 17.

Chief Magistrate Rosemelle Mutoka instructed that the bonds be on Wycliff Makasembo and Yusuf Abubakar, who represented the five.

Six of the nine were on Tuesday intercepted at an Island in Kizungitini, Lamu, as they were being transported to Somalia.

Three others including the owner of a guest house where they were accommodated and his wife were also arrested.

Chief Magistrate Mutoka released the three because their names did not appear in the affidavit.

Ntimama daughter's incitement case deferred



Photo/KIPLANG'AT KIRUI

PUT OFF: Lydia Masikonde

BY KIPLANG'AT KIRUI

A Narok court yesterday for the second time postponed the hearing of an incitement charge against Lydia Masikonde.

Masikonde is the daughter of National Heritage minister William ole Ntimama.

Senior Principal Magistrate Wilkinson Njagi said that case will now be heard on January 17.

The court was told that prosecution witnesses had not been bonded. Masikonde's lawyers Charles ole Sena and William Kiptoo, had insisted that the case

be heard or withdrawn if there was no evidence.

Sena said yesterday's was the last time they will accept to have the case put off.

Masikonde appeared for mention of the case on August 30 which should have been heard on August 27 but postponed because of the promulgation of the new constitution.

She is charged that on July 23, she uttered words at a No rally at Suswa trading centre in Narok North district considered to be inciting.

The charges against Masikonde

who is a civic leader says that he jointly with others not before court, without lawful excuse uttered the words "you cannot come here and secrete in our sacred land". The words were thought to imply that it was desirable to disrupt the referendum campaign at Suswa market on July 21.

The No rally at Suswa was attended by former President Moi and the then Higher Education minister William Ruto.

Yes supporters led by Councilor Lydia Masikonde are alleged to have stormed the venue and declared it was a holy place.