

Court orders arrest of 4 administrators over contempt

By John Osoro

NAIROBI Chief Magistrate Gilbert Mutembei, yesterday ordered the immediate arrest of four provincial administration officials and be charged with masquerading as directors of Kiambu-Dandora Farmers Company.

John Kingori, Julius Wanjau, Irene Kamau and Bernard Kaiaki all chiefs serving in Nairobi have defied court summons that required them to appear in court.

Mutembei said the administrators from Kasarani, Embakasi, and Starehe locations should be arrested and brought before him to answer to the charges.

A criminal indictment has been filed against the four accused of falsely obtaining money from one Beth Wangare Kilungu by pretending that they were the owners of the piece of land known as 11379/3, which they claim they have the authority to offer for sale. The property is owned by Kiambu-Dandora Farmers Company.

The genuine directors of Kiambu-Dandora Farmers Company have instituted private prosecution against the subjects but have failed to appear in court as summoned.

The company's lawyer Alex Masika applied for the warrant of arrest after the administrators failed to show up in court.

Mr Masika said the summons were duly served upon the accused persons, saying that the affidavit of service to the effect have been filed in court to demonstrate that indeed the accused were served with summons.

Cut the number of traffic police

By Fredrick Odiero

MANY people from Nyanza yesterday expressed concern over the high number of traffic officers at various roads within the region. The assistant commissioner of police Obiero Ochieng' noted that the number of traffic policemen was too high at the expense of other duties.

Ochieng' who was at one time a Provincial police officer in Nyanza in the early 1960s said that the number of traffic officers should be limited.

He said that road blocks should be erected for special purposes before they are removed.

Ochieng' observed that before the commission that is looking into police reforms that most of road blocks are indeed toll stations.

He said that there are at least 80 road blocks from Kisumu-Busia and Busia-Alupe.

Ochieng said more patrols on the roads should be intensified other than the current road blocks.

A member of the Nyanza Youth Coalition a local Non governmental organization in Kisumu Chrispin Owalla said the police and administration police should be merged.



Finland's President Ms. Tarja Halonen shares a light moment with Vice-President Kalonzo Musyoka and the Labour minister John Munyey after they held talks at the UN Complex in Geneva Switzerland yesterday. Both leaders were in Geneva to attend the ILO Summit on the global job crisis. - PHOTO/VPPS

Magistrate charged with lying to police

By Alphonse Mung'ahu

A KAJIADO chief magistrate was charged in a Kibera court with giving false information to police officers that she had been carjacked.

Jennifer Wambui Mburu is accused of lying to police that she had been kidnapped by armed gangsters who were then demanding Sh 500,000 so as to release her.

She denied the charge before senior resident magistrate Cosmas Maundu who released her on cash bail of Sh 100,000 pending hearing of the case on August 3.

The magistrate had to spend the night in remand cells after failing to secure the money for her bond. She was finally released the next day.

Prosecuting chief inspector Joseph Musyoka did not object to the bail application by the accused. He told the court that police had completed investigations into the case.

The magistrate was arrested last Thursday by Special Crime Unit police detectives from her house in Kitengela where she was allegedly found hidden under a bed.

It is said that the magistrate was asking the money to be sent through Safaricom M-Pesa on her cell-phone.

The accused allegedly used her phone number while calling a relative and the police.

The police were said to have been informed by Wambui that she had been driven up to Karatina where the carjackers wanted the money to be delivered before setting her free.

In another court a businessman was charged afresh with fraudulently obtaining over Sh 18 million.

Michael Musa Kilonzo who is also a former employee with Ke-

nya Revenue Authority (KRA) was wheeled before chief magistrate Gilbert Mutembei denied four counts of obtaining money by false pretences. However, he was ordered to be released on cash bail of 100,000 or bond of Sh1 million with a similar surety pending the hearing of the case on July 21.

However, prosecuting Superintendent Onesmus Towett informed the court that Kilonzo's fraud case will be consolidated with another similar one where other three accused persons have already pleaded not guilty to the charge.

The charge against him state that on November 12 2008 at Kenya Revenue Authority in Nairobi, jointly with others not in court, with intent to defraud obtained Sh4,156,682, the property of KRA by falsely pretending that VAT tax refund claim No. 033934 was genuine and valid claim for the payment of the said amount.

Furious Ngilu leads hawkers in storming Kitui council offices

By Boniface Mulu

WATER Minister Charity Ngilu on Monday led hundreds of irate hawkers to storm Kitui Municipal Council offices complaining over harassment by council workers.

The hawkers complained the council workers have been harassing them and confiscating their wares forcing them out of Kitui town. They accused the council's Mayor Patrick Makasi, Town Clerk Philip Adundo and Town Planner Leonard Kimeu of forcing them to conduct their businesses at a new open market called Kunda Kindu.

Ngilu led the demonstration on the town's streets before storming the council offices to express their dissatisfaction with the authorities.

But the council staff locked themselves within the compound for their safety. The hawkers forced their way into the compound by pulling down the gates.

They stoned some of the council's vehicles before Ngilu restrained them and called for dialogue to resolve the issue amicably.

Police officers led by the OCS Arnold Etyang and the District Criminal Investigations Officer (DCIO) Kavete Kuloba were present but they did not take any action. A visibly bitter Ngilu defended the hawkers against harassment by the council workers saying they are entitled to carry out their businesses within the town.

She said, "The hawkers have rights to conduct business in this town, not only to earn their living but also contribute to the revenue base of the council."

The minister complained that the council staff and councillors were treating hawkers in an inhuman manner.

Ngilu who is also the Kitui Central MP claimed the Kitui bus park costing Sh45 million had not been completed because the funds had been embezzled by the councillors and the council staff.

She announced that she had set aside funds from her ministry towards the construction of sewage in Kitui town.

Aspirant files suit to stop Sh0.25m levy on petitions

By John Osoro

PARLIAMENTARY loser for Magarini constituency in the last general election Esposito Franco has moved to court challenging the constitutionality of a requirement that election petitioners to pay Sh250,000 being security for costs as a condition for the hearing of the petitions.

Esposito a Kenyan of Italian origin and who lost the seat to ODM's Amanson Jeffar Kingi told the court that requirement was illegal.

His lawyer Cecil Miller said the requirement had denied several losers an opportunity to contest the outcome of disputed election results adding that it was prone to abuse by the rivals in collusion with judicial personnel in the registries. Miller told Judges Justice Roselyn Wendoh and Justice George

Dulu that worse of it is that the petitioners are required to pay the money within three days after the announcement of the results.

Miller told the court the petitioner was disatisfied with the manner in which the election in Magarini constituency was conducted and subsequently filed the petition No 1 in 2008 in the Malindi High Court seeking to nullify the results.

He said that the petitioner was denied the opportunity by the registrar personnel to pay the amount being the security costs requirement to be paid within a period of three days of filing the petition. The court heard the judiciary staff proceeded to list the matter be mentioned before the trial judge for directions, saying that this gave the incumbent MP the opportunity to strike out the petition for non-compliance of

the requirements and rules.

The lawyer submitted that the petitioner was refused an opportunity to pay the amount, he sought from electoral court to extend time by which he could deposit the money, but same was dismissed after the application was argued.

He said the petitioner personally gave his advocates the amount to pay as security for cost, saying the judiciary staff thwarted the attempt made by the petitioner's advocates to comply with the requirement of depositing the money.

Miller told the court that the jurisdiction of the high court to hear and determine election petitions is donated by section 44 of the constitution, saying the provision of section 21 is blatant and unconstitutional attempt by Parliament to limit the unlimited jurisdiction



Miller

of the high court to hear the elections petitions as outlined in section 44 and 60 of the constitution.