

Narc-K moves to stop distribution of parties' cash

Party argues Registrar of Political Parties is giving out money against parties Act

BY JUDY OGUTU

An affiliate of Party of National Unity (PNU) is in court challenging distribution of Sh200 million parties' fund. The National Rainbow Coalition Kenya (Narc-Kenya) wants Registrar of Political Parties temporarily stopped from distributing any funds due to PNU under the Political Parties Fund pending hearing and determination of the suit.

Further, Narc-Kenya wants the Registrar of Political Parties directed to distribute the funds allocated to PNU and its affiliate parties "strictly in accordance with provisions of Political Parties Act".

"Section 30(3)(i) of the Act makes a provision that where a presidential candidate is supported by more than one political party, only the votes cast for the Parliamentary and Civic candidates of the respective parties shall be taken into account in calculating amount payable to the respective parties from the political fund," the applicant argues.

In an urgent suit filed by its advocate Cecil Miller, Narc-Kenya says of the 3.6 million votes garnered by PNU in the 2007 General Election, its contribution was 2.1 million or 60 per cent of the total votes cast.

FLAGRANT DISREGARD

The party argues it is entitled to 60 per cent of funds allocated to PNU. Other affiliates sharing 40 per cent according to the number of votes contributed by each.

Narc-Kenya wants its suit heard on priority basis saying the Registrar is in the process of distributing the funds "in flagrant disregard to the mandatory provisions of the Act".

Mr Miller said: "If allowed to do so, the applicant will not receive its rightful allocation and will suffer irreparable loss." The party has sued the Independent Electoral

FACT FILE

- There are at least 47 political parties after many of the more than 250 parties that existed before 2007 General Election failed to comply with the Act

- ODM is set to receive the biggest chunk of the money - Sh61.2 million, while PNU, will get Sh51 million

- PNU partners include Democratic Party, Ford-Kenya, Kanu, Ford-People, Narc-Kenya, Safina and New Ford-Kenya

Commission (IIEC) and the Registrar of Parties.

In addition, the party is requesting the High Court to allow it to apply for orders for the distribution of funds according to provisions of the Political Parties Act.

According to the Act, 15 per cent of the funds, or Sh30 million, shall be distributed equally to all registered political parties and 80 per cent proportionately shared according to votes secured in the last General Election by each party's presidential, parliamentary and civic candidates.

Lethal weapon



Naivasha Deputy OCPD Paul Kisan'g (Left) and Flying Squad boss Daniel Mulimba examine a Beretta pistol recovered from three thugs who were shot dead at Karal, in Naivasha, yesterday. [PHOTO: ANTONY GITONGA/STANDARD]

CID: Pistols with pirates ready for use

By LIKIAH BENYAWA

Weapons allegedly recovered from suspected pirates were ready for firing, a Mombasa court has heard.

A ballistic expert attached to the Criminal Investigation Department told the court examination showed the bullets were dented and were ready to be fired.

Mr Alex Mwandawiro was testifying in a case in which seven Somali men are facing piracy charges.

"My examinations revealed the general conditions of the pistols were fair and complete in all parts and were also capable of being fired," Mwandawiro told Chief Magistrate Rose-melle Mutoka.

Two pistols, 10 bullets and two pistol magazines recovered from the suspects were examined. He added the firearms and the magazines were also suitable for use and each carried eight bullets at full capacity.

However, defence counsel Douglas Muyundo said the firearms examiner just formed his own opinion about the bullets being dented because he did not completely prove the pistols were ready for firing.

The case was again adjourned after the investigating officer failed to appear in court for the second time.

LAST ADJOURNMENT

State counsel Alexander Muteti told the court the officer, Mr Samson Wandera, an assistant commissioner of police had been transferred from Mombasa to Nyeri and efforts to reach him through phone even after court ordered him to appear in court were unsuccessful.

But Muyundo never took the prosecution remarks lightly saying it was ironical the complainant was not before the court to give evidence and have the case concluded.

However, Ms Mutoka granted adjournment saying it was the last and asked the prosecution to avail its witnesses during the next hearing day. The case will be heard in January.

Michuki sued over Sh23m property

By NANCY AKINYI

An estate developer has sued Environment Minister John Michuki and a company associated with him in a suit challenging purported illegal sale of Sh23 million property.

Also sued is the National Bank of Kenya (NBK), Mr David Kariuki trading as Watts Enterprises Auctioneers, Mr Charles Patrick Walker and purchasers of the suit property.

Kawamabanjo Ltd and its director Benson Kamande through advocate Gichuki King'ara argue NBK sold a property measuring 7.7 acres over an

invalid mortgage. Mr King'ara states the bank, the auctioneer and the said purchasers of the property conspired to sell the property at undervalue of Sh4 million.

ERRONEOUS LETTER

The court papers state Kamande was a guarantor of New Homes Development and that an alleged charge of one million shillings was created over the suit property.

Kamande argues that by a letter dated March 12, 1993, Kenya National Capital Corporation (Kenyac) erroneously stated that he was a loanee.

He says that notwithstanding the defect in security, he has paid more than Sh1.6 million to NBK and he does not understand why the bank sold his property.

He says he is not indebted to the bank and if the bank is owed any money, then it is payable by Michuki and his company, New Homes Development.

Court papers state Michuki and his company admitted owing NBK Sh1,831,008.05 twelve years ago.

He says the two are liable to any amount owed to the bank on behalf of Kenyac.

Advocate accuses former DPP of defamation

By EVELYN KWAMBOKA

Former Director of Public Prosecutions Philip Murgor is facing defamation suit.

An advocate for the family of former Gatundu North MP Patrick Mufurri, in a case in which two people are charged with murdering his son, claims Murgor defamed him in a letter he wrote to the High Court deputy registrar.

Mr Ngumbau Mutua filed the civil case at the High Court registry in Nairobi, yesterday. "On November 18, 2009, the defendant falsely and maliciously printed and published for circulation, a letter of and concerning the plaintiff's business," he claimed.

Mutua said the words meant he is incapable of promoting and protecting and by all proper and lawful means his client's best interest.

QuickRead

NAIROBI: Mututho case to be heard next year

An order temporarily barring hearing of Sh40 million criminal case against Naivasha MP John Mututho has been extended to March next year. High Court Judge Jeanne Gacheche extended the order's yesterday to give Attorney General Amos Wako time to respond to the MP's application before her. The judge said the matter is to be heard on March 8.

The interim orders also stop the anti-graft body and the AG from filing any further charges against the MP regarding Kenyatta National Hospital's supply of patient lockers tender.

COAST: Lawyer wants minister's case closed

A petitioner, who sued Transport Minister Ali Mwakere seeking nullification of his election as Matuga MP, has not proved his case against the minister. Mwakere's lawyer Paul Butti told Justice Mohamed



Ibrahim since the petition against Returning Officer Ali Maalim Hassan was struck out, the election petition should be struck out. He said his client was dragged into the case, which the petition could not prove and urged the court to dismiss the petition.

NAIROBI: Town Clerk sued for contempt

A nominated councillor wants Nairobi Town Clerk Philip Kisia cited for contempt for failing to convene a special meeting. Mr

Mutunga Mutungi states in an application under certificate of urgency that the town clerk's decision to refuse to call the requisitioned special meeting is contemptuous and disrespectful of a court order issued last week on Tuesday. Mutungi wants the court to grant him leave to commence contempt proceedings against Mr Kisia. Through his advocate Chege Ng'anga, the councillor argues affairs, assets and public interest in the council are highly jeopardised by failure to convene the said meeting.