

THE COURTS

Parties fail to agree in Bishop Wanjiru case

JOHN OSORO

THE hearing of a defamation suit filed against televangelist Bishop Margaret Wanjiru hit a snag yesterday after lawyers representing the parties failed to agree on which application should be heard first.

The lawyers openly disagreed on the procedure to be adopted in the hearing of either the suit filed by James Kamangu, the alleged estranged husband of the evangelist, or a preliminary objection raised by Wanjiru herself seeking to dismiss Kamangu's application.

Bishop Wanjiru has in her grounds of opposition to the application questioned the jurisdiction of the court to hear the matter whereas Kamangu's counsel contended that both grounds of opposition and preliminary objection ought not to have been filed by the defendants because they don't disclose admission of the issues raised in the main application.

Lawyer C. N. Kihara who is leading a battery of lawyers for the applicant (Kamangu) told Justice Benjamin Kubo that the rules provide that the defendant, if she wanted to have the suit struck out, should have approached the court by filing an application.

He said the applicant has raised very serious issues in his application to which the defendant ought to have filed a replying affidavit.



Lawyer Cecil Miller talks to Reherma Jaldesa after the court session yesterday, as her colleague Daniel Maanzo looks on. Reherma is asking the High Court to revoke letters of administration issued to Bernadetta Sharma over the estate of the late MP for Moyale Dr Wilson Guracha Galgalo.

The lawyer submitted that, the defendant, has abandoned some grounds raised in her suit papers and embarked on the issue of jurisdiction of the court to hear the matter.

Mr Fred Ojiambo appearing for Wanjiru told the trial court that the applicant has himself raised the issue of jurisdiction which the court must determine first, saying the preliminary objection can be raised any time during the proceedings and the court can be asked to make a finding on it.

He submitted that, the preliminary objection is a constitutional matter which can be raised any time when the matter during the pendency of the trial.

Justice Kubo will on March 15 rule to determine which application ought to be heard first and directed the litigants to come prepared to proceed with the case.

Wanjiru's marriage debacle came to

public attention after she announced that would wed South African evangelist Simon Matjeke.

The pronouncement triggered the filing of a suit by Kamangu who claimed to be husband and father of Wanjiru children, seeking orders to stop the intended marriage until the the previous one between the two is sorted out.

Last week the Bishop Wanjiru was warned over making remarks touching on the matter pending in court.

Presiding judge Justice Joyce Aluoch said the court was concerned over remarks the bishop made while on a campaign trail in parts of Starehe constituency where she is said to have commented on substantive issues of the dispute that is before the court.

Bishop Wanjiru was quoted accusing sports minister Maina Kamanda of instigating the suit filed by Kamangu.

KISUMU

Flying Squad officer testifies in 'stolen' cigarettes case

FREDRICK ODIERO

A FLYING squad officer yesterday recounted to a Kisumu court how he and other colleagues unearthed cigarettes worth millions of shillings that had been stolen from a company while on transit.

Bernard Gicheru told Kisumu chief magistrate Hedwig Ongudi that he received information that some stolen cigarettes were being hidden in a residential area.

He told the court that they went to a home at Mamboleo estate in Kisumu and recovered over 316 cartons of Benson and Hedges cigarettes. He was testifying in a case in which Edwin Kwako and Philip Musili

are charged with theft of cigarettes worth Sh22 million belonging to British American Tobacco.

They were charged with breaking into the containers and stealing the items on diverse dates between December 23 and 28 last year along the Kisumu Mombassa highway and handling the commodities on February 6 last year at Mamboleo in Kisumu.

Gicheru told the court that they received information that the goods were at a home in Mamboleo, went and demanded for documents of the same. They goods were later taken to the Kisumu police station for further investigations.

NYERI

Boy, 17, charged with murder

KNA

A 17-year old student was yesterday arraigned at a Nyeri court charged with hacking his uncle to death at Nyamari village in Othaya division of Nyeri district.

Francis Gichure Hinga was charged before Nyeri Senior Principal Magistrate Lucy Gitari with killing Peter Maina Gichuru on November 5, 2006, but denied the charges and was released on a bond of Sh100,000 with a surety of similar amount till April 10 when the case will be heard.

Hinga, a Form Four student at Kihome Second-

ary School, was sent home for fees when he found his father quarrelling with the deceased and allegedly committed the offence. A fight ensued resulting to the deceased wrestling the accused's father to the ground then the accused cut the deceased on the head with an axe, inflicting serious injuries. He was rushed to Othaya hospital before being taken to Nyeri Provincial General Hospital where he was referred to Kenyatta National hospital but succumbed to injuries on November 10, 2006.

KISUMU

Suspects put on probation

FREDRICK ODIERO

A KISUMU court yesterday sentenced seven suspects from Nyalenda and Manyatta estates in Kisumu to probation for the next 12 months.

The judge told the suspects to ensure that they keep peace in the estates.

Inspector, Charles Maosa told the chief Magistrate Hedwig Ongudi that George Odhiambo, Paul Odhiambo, Nahason Onyango David Ndungu, Phillip Oriendo and Peter Otieno should be put under probation after it was alleged that they were terrorising people in the estate.

Maosa swore before court that the suspects have been harassing people in the said estates.

The magistrate ordered each suspect to deposit a bond of Sh 20,000 and a surety of similar amount.

Meanwhile, a man was charged in the same court with trying to defraud another Sh40,000 under the pretext that he could double the amount. Duncan Otieno allegedly took the money from Zipporah Opiyo, but failed to do the magic. He was released on a bond of Sh200,000 and similar surety.

Court orders bank to deposit cash

RICHARD MUNGUTI

TWO judges of the High Court yesterday directed the Kisumu branch of K-Rep to deposit Sh400,000 with the Registrar of the High Court being the fine slapped on former Kaspul Kabondo Member of Parliament Otieno K'Opiyo last year for failing to pursue an appeal suit challenging his conviction and sentence for forgery.

Justices Jessie Lesiit and George Dulu ordered the bank not to release the money to K'Opiyo before the fine is cleared and ordered the detention of the former MP in custody until he pays the fine.

The two-judge bench confirmed that K'Opiyo had banked the money

in the Kisumu Branch of the bank yesterday through a cheque of Sh 800,000. The convict had pleaded to be released from custody, saying he has not refused to pay the fine slapped on him by Justice Lesiit before he appeared to explain why he has not prosecuted his appeal that has been pending for almost 11 years.

K'Opiyo was jailed by former Nairobi Chief Magistrate Mrs Uniter Kidulla after finding him guilty of forging documents purporting it had been signed by a veterinary doctor. It later emerged that the documents were forged and this earned the former MP a year in jail.



K'Opiyo