

Political analyst Ngunyi charged with hate speech

BY ALPHONCE MUNG'AHU

POLITICAL analyst Mutahi Ngunyi was charged yesterday in a Nairobi court with four counts of ethnic contempt and hate speech.

He denied the charges before chief magistrate Daniel Ogembo and was ordered to deposit Sh200,000 bail.

The case will be heard on January 13.

Ngunyi presented himself in court after losing a bid to stop his prosecution.

His lawyer Jennifer Shamalla

argued the intended prosecution is malicious and a violation of her client's rights.

But High Court judge Joseph Onguto declined to grant Ngunyi temporary orders to stop the charges.

Onguto ruled that Ngunyi tabled nothing to warrant the stopping of the case.

"I have looked at the application and the petitioner should take the plea at the lower court and if aggrieved he can appeal," Onguto said.

The Director of Public Prosecutions said there was evidence

to put Ngunyi on trial for ethnic contempt.

He allegedly posted on his Twitter account messages disparaging Cord leader Raila Odinga and the Luo community.

But Ngunyi said the National Cohesion and Integration Commission had not investigated.

Shamalla said: "The NCIC did not follow the right procedure in handling the case. They never summoned Ngunyi to record any statement, and whatever decision they reached to charge him is a clear case of abuse of powers."



HERE I AM: Political analyst Mutahi Ngunyi (C) at the Milimani law courts, where he was charged with hate speech yesterday.

Arrest warrant for musician

BY ANNETTE WAMBULWA

A Kibera court has issued an arrest warrant for a Ugandan gospel artiste.

Wycliffe Wamala, popularly known as Ambassadors, failed to appear in court for the mention of a case in which he is charged with stealing an iPad.

The iPad was allegedly stolen from comedian Fred Omondi of KTN's Hapa Kule News during a robbery on February 4 in Rongai, Kajiado county.

Wamala's lawyer was not in court to explain the whereabouts of the musician.

Wamala was charged in February alongside Egans Okondo, Shadrack Kyalo, Lucy Ulale and Michael Wandera.

Senior principal magistrate Lucas Onyina fixed the mention of the case for October 26.

Satan 'led' duo to steal

BY CAROLYNE KUBWA

TWO men were yesterday charged with stealing iron sheets from a church in Kayole.

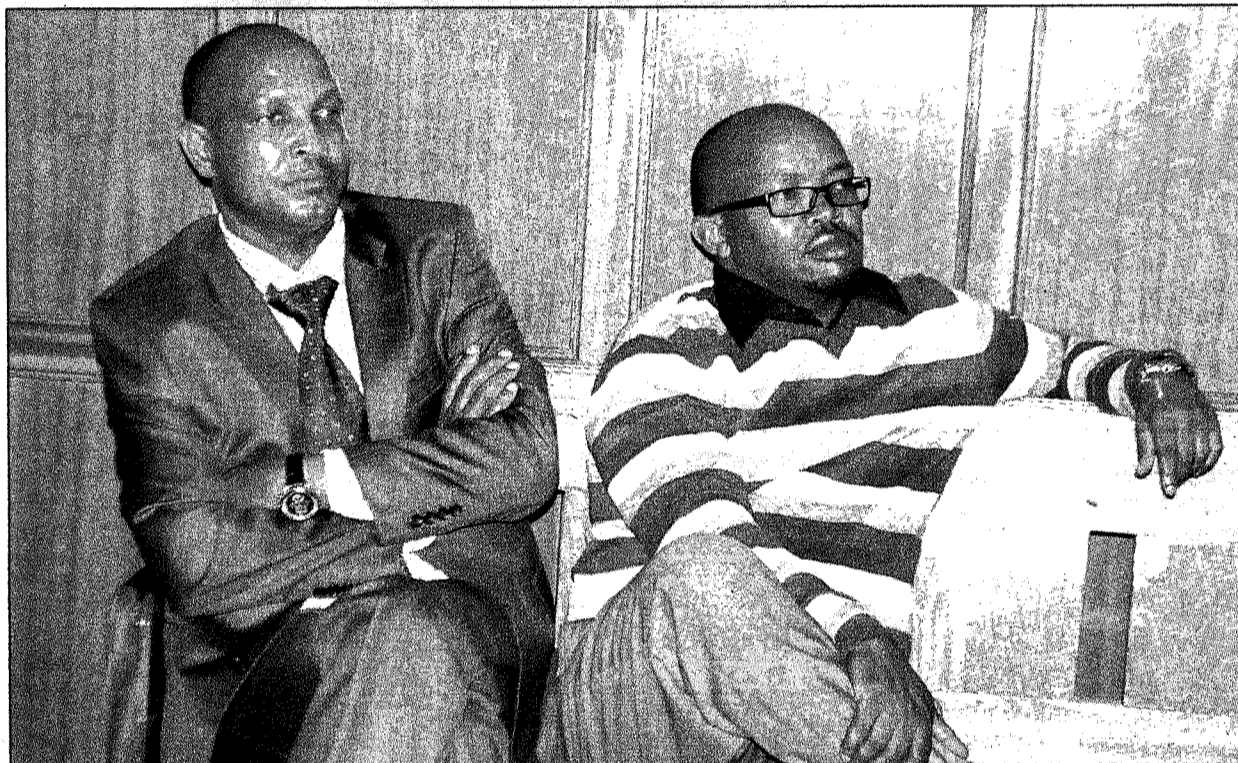
Stanislas Kasango and Jackson Lamunya are accused of stealing 300 wooden posts, 56 iron sheets and timber all worth Sh69,000 on October 4.

The two denied the charges before principal magistrate Emily Olwande, saying they were used by Satan.

They were each released on Sh40,000 bail.

The case will be heard on February 23.

Tobiko wants Mwit's rape case to proceed



AWAITING THE RULING: Imenti Central MP Gideon Mwit with Dr David Muchiri at the Milimani law courts on April 8.

BY CAROLE MAINA

DIRECTOR of Public Prosecutions Keriako Tobiko wants orders halting the rape case against Imenti Central MP Gideon Mwit lifted for the case to proceed to full trial.

The DPP said yesterday there is enough evidence to sustain a trial against Mwit and he should face his accuser in court.

In August, Justice Weldon Korir said Mwit's trial, which was to start on August 19 at a magistrate's court, will remain suspended

until he makes a determination on the application the MP filed.

Mwit was released on Sh100,000 bail in April after denying rape, intimidation and assaulting a married woman on March 21 in Westlands, Nairobi.

He filed an application at the High Court seeking to stop the woman's lawyer from providing any evidence or acting as co-prosecutors, arguing this would interfere with his right to a fair trial.

Tobiko said the application before court is an attempt to defeat justice and

had been filed in bad faith.

"The ongoing criminal proceedings against the petitioner should proceed to their logical conclusion since the conduct of the DPP is within his constitutional mandate."

Tobiko said the proceedings are being conducted in a free and fair manner.

He said he does not require anyone's consent to prefer charges against a suspect and does not need direction from any person or authority.

"He has been charged before a competent court and

shall have the opportunity to be heard and argue his defence before the trial court. He should not transfer the hearing of his defence from the trial court to this court," Tobiko said.

Through his representative Evelyne Onunga, he said his office received an investigation report from the police, which was independently reviewed and analysed.

The woman's lawyer Wilfred Nderitu said she has a right to be defended by lawyers of her choice.

A ruling on Mwit's application is set for December 3.

Judge stops water project

BY MATHEWS NDANYI

A Sh1.8 billion water project funded by the Belgium government in Elgeyo Marakwet may stall because of a land dispute.

The High Court in Eldoret yesterday issued orders stopping construction of water tanks on the land opposite Iten police station.

Alois Chebet and Cheboi Limakon have sued their mother Constantina Komen and brother Stanley Komen over alleged irregular sale of the land.

The Rift Valley Water Services Board, which is implementing the project, was served with the orders on Friday last week.

The contractors have also been served with the orders.

The matter will be heard on October 26.

Artistes fight for ringtones proceeds

BY PETER NG'ETICH

THE High Court yesterday barred Safaricom and the Music Copyright Society of Kenya from discussing the proceeds musicians are to get from ringtones.

More than 5,000 musicians and MCSK are to hold a meeting at Machakos Peoples' Park today to discuss their welfare.

MCSK has placed a notice in the press and on its website for the meeting to discuss adoption of the medical scheme, determine the way forward on the Skiza agreement, appoint auditors and receive proposals on articles of association.

High Court judge Joseph Onguto said the issues touch on a case filed by five musicians and it should first be heard and determined.

The case will be heard on November 19.

Muchanga Investment solely owns Karen land, says Miller

BY ALPHONCE MUNG'AHU

MUCHANGA Investment Ltd yesterday maintained it solely owns the Karen land.

Lawyer Cecil Miller said Barclays Bank confirmed in court it transferred in 1983 the title deed

for the 134.4 acres to the company, owned by tycoon Horatius Da Gama Rose.

Making submissions before Justice Lucy Nyambura, Miller said the bank's senior legal officer Waweru Mathenge confirmed records available in the bank identi-

fies Rose as the one they dealt with.

He said Mathenge told the court the bank held the title deed for 10 years when a borrower, Da Gama Rose Investments, was repaying a loan of Sh10.5 million.

The legal officer said in the title deed he did not see any other com-

pany except Da Gama Roses'.

During cross examination, Mathenge told Miller there must have been a link between the borrower and the company which has secured the loan.

The hearing continues on October 30.