

Tea firm gets nod on machines

JOHN OSORO

THE High Court in Nairobi yesterday extended orders allowing a tea company to use tea plucking machines, until the disputed industrial relations between tea growers and the Government is heard in September.

The applicant James Finlay Limited will apply the use of the machines within the prescribed region.

However, the Government has maintained that the industrial relations between tea growers and the parent ministry should await the ongoing investigation committee complete its probe before a decision is made over the use of tea plucking machines.

Labour minister Dr Newton Kulundu says in his replying affidavit to the application by the multinational tea company that the decision to take the matter to court seeking a review of his decision was in bad faith.

The investigation committee he appointed in May 16 should be left to complete its work and make recommendations to the ministry for further action.

The minister says unless the committee completes its probe on the use of the plucking machines, the applicant, James Finlay Kenya Limited and Sotik Tea Company should abstain from using the machines.

The tea company has already obtained orders setting aside the minister's decision barring them from using the machine pending the submission of the report by the probe committee.

He says the orders issued to allow the company to use the machine has complicated the matter which is under investigation and at the same time, the Government has taken steps to declare illegal the much publicised strike notice issued by Kenya Plantations and Agricultural Workers

Union.

The Ministry says that the anticipated crisis in the tea sub-sector will be solved once the committee forwards its recommendations.

The minister through Principal State Counsel Antony Ombwonyo says the said order directing the companies to keep away the machines was issued in good faith and in full compliance with the law towards maintaining harmony in the tea sub-sector.

Mr Ombwonyo says the Government will be arguing during the hearing of the suit that the minister issued the order after considering that, there was imminent strike action by employees in the sub-sector as a result of introduction of the tea plucking machine.

He noted that the parties negotiating on a Collective Bargaining Agreement (CBA) has stalled as result of the mechanisation and there



Kulundu

is fear of loss of jobs.

Mr Ombwonyo will be arguing that the status quo can only be maintained with a temporary halt on the use of the machines pending the outcome of the investigative committee.

Teacher charged with pocketing Sh1.6 million

RICHARD MUNGUTI

THE self-proclaimed Prophetess was yet again charged yesterday with allegedly receiving over Sh1.6 million from desperate Aids/HIV victims through deceit that she could cure them through prayers.

Ms Lucy Nduta Mwangi was arraigned before Nairobi Chief Magistrate Aggrey Muchelule and denied a fresh bout of criminal indictments. This is the third time the faith healer is being arraigned in court since May when she was first charged. In the previous charges she has been released on bond.

The accused denied that on diverse dates between November 2004 and January 2006 she had pocketed Sh1.6 million from her Salvation Healing Ministry in Nairobi by means of fraudulent tricks and received Sh176,000 from Kihia Nginjiri by falsely pretending that she would heal his sick child through prayers a fact she knew to be false.

Between November 2004 and March 2006 Ms Mwangi allegedly received Sh498,400 by falsely pretending that she was in a position to heal her sick child through her prayers a fact she knew to be false.

The suspect is also alleged to have received through deceit Sh258,000 from Adiambo Aketch by false pretending she would heal her HIV status through prayers. Others from whom she allegedly received money are Irene Njeri Kibe, Faith Wangui Murigi, Tabitha Kia'ie and Timothy Kipkorir Koskei.

She denied all the charges against her and was released on a cash bail of Sh300,000.

The case was listed for hearing October 23.

Meanwhile the High Court has allowed businessman Kamlesh Pattini to travel overseas for medication.

Justice Muga Apondi allowed the plea of Pattini to travel to India for an eye surgery. The plea by Pattini was presented by his lawyer Bernard Kalove. Justice Apondi allowed Pattini to travel for a period of 60 days. He ordered Pattini to return the passport on October 9.

Elsewhere Justice Nicholas Ombija revealed documents in the murder case against Yugoslav national accused of murdering a son of slain drug baron Akasha Abdalla Ibrahim.

Justice Ombija said that "there are evil forces trying to scuttle the course of justice. The law will catch up with them."



Evangelist Lucy Nduta Mwangi appears in a Nairobi court where she was charged yesterday with obtaining over Sh1.6m from HIV-infected faithful, claiming she could heal them through prayers.

Court told ADC failed to raise cash for shares

JOHN OSORO

AGRICULTURAL Development Corporation (ADC) failed to raise funds to purchase part of the Sh4 million ordinary shares offered by Kenya Seed Company (KSC) Limited, the court was told yesterday.

A retired civil servant said the state corporation was experiencing cash flow problems, prompting it to offer to sale part of its land in Elburgon.

Douglas Mwasaga, admitted that KSC had offered ADC the shares for purchase, but the corporation didn't raise the required money.

He was testifying in a criminal case against former KSC managing director Mr Nathaniel Tum and eight others charged with offering the company's shares without government approval. He told trial Magistrate Aggrey Muchelule, that despite the spirited campaign to stop the sale, relevant authorities did assist him.

The witness said ADC offered for sale about 3,000 acres of land in Elburgon, purchased by KSC through the use of the proceeds of the shares sold.

Mwasaga who was in charge of state corporations at the time admitted on cross examination that the government failed to stop the sale that was approved by the KSC board, adding that virtually all top government officials, including the late Dr Bonaya Godana, two former heads of civil service, Sally Kosgei and Richard Leakey plus Treasury Permanent Secretary and Investment Secretary.

NGO move to quash court order rejected

JOHN OSORO

A NON Governmental Organisation (NGO) planning to spend about Sh900 million to build low cost houses around the Nairobi National Park yesterday failed to quash the order stopping the implementation of the project.

The project will be halted pending the hearing and determination of an appeal challenging the intended construction of the houses on the disputed site.

A local residents association and seven other organisations involved in the management of environmental conservation have put a spirited campaign to have the project stopped on grounds that the NGO has not obtained requisite clearance to allow them commence the project.

When the matter came for mention before Justice Onesmus Munguti, the local organisation through Kiserian Isinya Pipeline Road Resident Association (KIPRRA) sought to withdraw an application earlier filed to allow them pursue the appeal pending before the appellate court.

KIPRRA through their lawyer Lukas Naikuni told the judge that the application before the high court serves no purposes since the appeal has already stopped the intended construction.

Doctor claims 'patient' robbed him at gunpoint

TIMES CORRESPONDENT

A KIBERA Court heard how a man posing as a patient robbed his doctor of over Sh250,000 at gunpoint in a clinic.

Dr Karim Mohammed told Senior Magistrate Hellen Wasilwa that he was robbed by a man who first posed as a patient at his Aculansen Institute Clinic at third Parklands Avenue, Nairobi.

He was testifying in a case in which Stephen Mungu Mwangi is charged with robbery with violence. The offence is said to have been committed on February 5, 2001 at Aculansen Clinic in Nairobi.

Lawyer Cecil Miller is prosecuting the case on behalf of the State after he was appointed by the Attorney-General Amos Wako to conduct prosecution.

Giving evidence before the court,

Dr Karim recalled that on the material day, the accused came posing as a patient and signed the security book. He said the accused also made some payment of Sh1000 as consultation fee upon which he was issued with an official receipt.

Dr Karim told the court that when the patient was brought to his office, he asked him why he was carrying a bag, in which the accused replied that he had come from Mombasa.

He told the court that the accused later drew a gun from his bag and threatened to shoot him and his brother who is also a doctor.

Dr Karim told the court that the accused ordered him to produce all the money he had at the clinic. He said the accused informed him that he was hired by two Asian ladies at Sh5 million to kill him (Dr Karim) and his brother.