

THE COURTS

Bankruptcy case against airline halted

JOHN OSORO

APPEAL Court yesterday stopped bankruptcy proceedings against the proprietor of African Airline Limited over a disputed debt of Sh23 million.

Appellate judges Justice R.C. Omolo, Emmanuel O'Kubasu and Justice Onyango Otieno, halted judgement of Justice Mary Kasango of Milimani Commercial Court which she directed that order be issued to attach the Estate of Captain Musa Hassan Bulhan.

The judge had directed that the receiver manager be appointed to manage the estate as part of the recovery of the money owed to Kenya Airways limited.

The judges said in their ruling that intended execution of the orders of the high court be set aside pending the hearing and determination of the appeal arising from Justice Kasango's judgement dated December 1, 2005.

CBK accused of contempt of court

Charterhouse Bank wants dignity of the judiciary restored

JOHN OSORO

CHARTERHOUSE Bank Limited yesterday urged the Court of Appeal to throw out an application by Central Bank of Kenya (CBK) seeking to stop orders by an Eldoret court restraining the Government from interfering with its operations.

The court heard that CBK committed contempt when it disobeyed orders issued by Eldoret court restraining it from executing its statutory mandate against the bank and can therefore not purport to bring an application in the appeal court seeking to stay the proceedings.

Lawyers Prof Githu Muigai and Odera Obar, told Justice Philip Tunoi, Justice Erastus Githinji and Justice Onyango Otieno that CBK cannot be

allowed to pursue the application seeking to stop proceeding against it when they are in contempt of court.

They said the law is clear that unless the contempt proceeding are heard and determined, CBK cannot be allowed to seek sanctuary in the Court of Appeal.

They submitted that the Appeal Court should uphold the dignity of the judiciary and decision made by superior court by respecting their orders.

The court heard that the orders restraining CBK and the receiver manager Rose Detho from executing its statutory mandate over Charterhouse bank are still in force, but instead they have been disobeyed by the CBK who have sought refuge in the Court of Appeal by seeking to stop the proceedings brought against it, the

Finance Minister and Kenya Revenue Authority.

The lawyers said the application by CBK appears to seek sanctuary in the Court of Appeal by evading the orders of the High Court.

They said that the court should take judicial notice, that CBK is in contempt of court and can't therefore be heard by the appellate judges without providing explanation why it disobeyed the orders of Justice Gacheche.

The judge had on September 15 issued the restraining orders against CBK, Finance minister and KRA directing them not to execute their statutory mandate and interfere with operations of the bank pending the hearing and determination of the suit.

CBK through their lawyer John



Prof Muigai Ogo filed an application in the High Court seeking to stop the proceedings brought against the CBK.

Trader told to pay ex-wife Sh0.3m

TIMES CORRESPONDENT

A BUSINESSMAN Suresh Nanal Kantaria was yesterday ordered to pay former wife Sh300,000 monthly until an appeal he has lodged challenging a Sh100 million judgement is heard and determined.

He was also told pay all school to cater for the daughter until the appeal will be determined.

The appellates judges Justice R.S.C. Omolo, Emmanuel O'Kubasu and Justice Onyango Otieno further ordered the businessman not to offer for sale properties held in the disputed judgement, which are in Gigiri, Jaribu Credit Trading Company and Taramera Company Limited.

The trader was in May 2005 ordered by the High Court to pay his ex-wife Mradala Suresh Kantaria Sh100 million being maintenance and division of properties invested during their marriage.

Four bonded on robbery charges

TIMES CORRESPONDENT

A KIBERA court has bonded four witnesses to testify in a case in which a matatu driver has been charged with violently robbing two doctors a Sh250, 000.

Yesterday lawyer Cecil Miller conducting the prosecution on behalf the state requested for the adjournment to bond the remaining four prosecution witnesses.

Principal Magistrate Hellen Wasilwa, granted the request and fixed the hearing of the case for two days on October 26 and 27.

The accused, Stephen Mungu Mwangi has denied robbing Dr Karim Mohamed and his brother Dr Amin Mohamed while armed with a gun on February 5, 2001 at their clinic in Parklands, Nairobi. The two complainants and other two witnesses have already testified in the case. During the first hearing of the case, the court heard that the suspect went to the Aculasen Institute Clinic while posing as a patient.



STAFFORD ONDEGO

Members of Kibuka watch pressure group celebrate along the High Court corridors yesterday after eight of their members were acquitted of charges of staging a demonstration to oppose Parliament usurping the sovereignty of the people of Kenya in Constitution making process in November last year.

Activists set free for lack of evidence

RICHARD MUNGUTI

TEN political activists arrested and charged for staging a demonstration against Parliament usurping the sovereignty of the people of Kenya in the Constitution making process last year were yesterday acquitted by a Nairobi court for lack of evidence.

A Nairobi Resident Magistrate FM Kombo set the accused free for lack of evidence saying the evidence fell far short the legal requirement.

And immediately the suspects were freed they marched through the court corridors chanting victory slogans and immediately they emerged from the security check unit they joined their hands and broke into singing patriotic songs. Their action attracted a crowd outside the High Court.

"We shall soldier on. We shall not relent in our fight for a people driven Constitution. It is a pity that the Narc Government arrested and prosecuted us while it is our unity and solidarity which propelled them into office. The Constitution is ours and we will not give up. The peoples court during last year's referendum vindicated us and

now our joy has been compounded by the magistrate's verdict who has asserted that demonstrations and voicing our opinion was a right guaranteed by the Constitution."

The activists mobbed their lawyer Mureithi Mbugua and praised the media for its concerted efforts in pinpointing the ills being committed against humanity by those in authority.

Kombo said Kenyans have an inherent right to petition and demonstrate against acts they felt were hurting them.

The magistrate said people have a right to exercise their democratic rights by expressing their opinion against decisions made by Parliament and also Government officials.

Those released by Kombo are Evans Osego Owiti, Kepha Ombati alias Murara Reseni, Paul Ongera Alwenyi, Cyprian Orina Nyanwamu, Stephen Wairi Wainaina, Elkana Odenbo Alsalum, Spencer Ongonga Orio, Sheikh Ahmed Ramadhan, Wilfred Koimatei ole Kina Nchoshoi and Keli Christant Musyoka.

Bank employee charged with stealing Sh7.6m

RICHARD MUNGUTI

AN employee of Trans-National Bank (TNB) was charged with stealing Sh7.6 million from the bank, however in the same court, police was ordered to arrest a Central Bank of Kenya (CBK) employee who has disappeared with Sh1.7 million.

Nelly Chebet Ngososei was arraigned before Chief Magistrate Aggrey Machelule for the alleged theft of the millions.

Principal of Rift Valley Institute of Science and Technology Francis Zaasita Kiptoo Menjo was charged with selling

the institute's parcel of land without authority of the board of trustees of the college. She faces eight counts of abuse of office and making documents without authority.

She is accused of selling college land to Ms Betty Chelangat, Romi Agencies Ltd, Meadows Ltd and Franclem Enterprises without authority of the board of trustees of the college.

Machelule ordered that she be released on bond of Sh800, 000 with one surety of similar amount. The accused was also given an alternative cash bail of Sh300, 000. She denied 11

counts of stealing a total of Sh7, 608,200 from TNB between September 11-25 2006.

Chebet is also accused of stealing Sh800,000 on September 11 at TNB City Hall way branch jointly with others not before court. The other charges filed against her are of stealing varying amounts between Sh700,000 to Sh390,000. The alleged money is the property of the TNB. Machelule ordered for the arrest of the CBK employee Haron Kipchuma Bundotich whom the anti-banking fraud unit claims had stolen Sh1,700,100.



Machelule