

Medic recounts the ordeal of a violent robbery

RICHARD MUNGUTI

A MEDICAL doctor narrated in a Nairobi court how he suffered mental trauma and anguish in the hands of armed gangster who robbed him Sh250,000.

Dr Karim Mohammed who operates a private clinic in Parklands, Nairobi, told Senior Principal Magistrate Helen Wasilwa that the suspect, whom he identified in court, had demanded Sh10 million so that he could spare his life.

The doctor said he pleaded with the suspect to spare his life. The court heard that the doctor was scared and feared that he would be killed if he did not comply with the orders.

Led in his evidence by special prosecutor lawyer Cecil Miller, the medic claimed the suspect, Mr Stephen Mwangi, claimed he had been paid Sh5 million to kill him together with his brother who is also a medical doctor.

Miller has been appointed by the Attorney-General to prosecute the criminal case against Mwangi who has been in prison custody since 2001.

The doctor identified the suspect saying he had time to see him as he was posed as a patient before the attack. The doctor said the suspect was booked and paid Sh1,000 as consultation only.

The doctor said he heard the suspect pulled a firearm from his pocket then threatened to kill him if he did not comply with orders.

Mwangi is charged under Section 296 (2) of the Criminal Procedure Code (CPC) which carries a mandatory death sentence upon conviction.

The charge claims that on February 5, 2001, at Aculeiser Clinic in Parklands, Nairobi, while armed with a dangerous weapon, he violently robbed Dr Karim Mohammed and Dr Amin Mohammed of Sh250,000 and threatened to use force before or after the violence. He has denied the offence.

Man jailed for defiling minor

ANTONY NDWIGAH

A 40-YEAR-OLD gardener was yesterday sentenced to 14 years imprisonment for raping a two-year-old child in Kirinyaga district.

Mr Ithungu Njonjo pleaded guilty to the charges immediately he was brought before Kerugoya Senior Resident Magistrate Peterson Nditika.

He is charged that on September 4, 2005, at Sagana village, he defiled a girl who was left under his care.

Prosecutor David Kariuki told the court that the accused, who was employed as a farmhand by the girl's mother, was left with the child as her mother went to a nearby shop to buy some foodstuff when he defiled her.

Passing the judgment the magistrate termed the act as beastly and said a deterrent sentence is required.

Registrar blamed for Kanu woes

JOHN OSORO



Kanu secretary-general allied to Biwott camp Dr Josephine Ojiambo arrive in court for the hearing of a suit challenging their registration by registrar of societies as party officials. -STAFFORD ONDEGO

THE Registrar of Societies was yesterday accused of unlawfully registering Keiyo South Member of Parliament Nicholas Biwott as Kanu chairman.

The registration of the Biwott camp as officials of KANU was done without justification, the High Court further heard.

Leader of official opposition Uhuru Kenyatta told lady Justice Roselyne Wendo that the Registrar acted in total breach of KANU constitution.

He said there was no basis on which the rival group was registered since no elections were held.

But Biwott, through his team of lawyers, said the delay by Mr Uhuru to seek orders quashing the registrar's action was fatal.

He said the ousted chairman was guilty of the delay as he was aware of the National Delegate Conference held in Mombasa on November 24.

The Keiyo South MP told the court, through his lawyers Muturi Kigano, Kioko Kilukumi, Lucy Kambuni, Moses Kurgat, Job Nyasimi and Juma Kiplenge, that because of the delay, the court should not reverse the decision to register the rival group.

Mr Uhuru through his lawyer Mutula Kilonzo urged the court to quash the decision of the registrar to enter the names of Biwott team as national officials of KANU.

Mr Kilonzo further told the court to prohibit the Biwott team from taking possession of the party assets or conduct party affairs.

He submitted that the applicants had through the law firm of Katwa and Kemboi Advocates notified the registrar of societies not to register new office bearers on grounds that the group that intended to seek registration had staged a coup.

The letters lodging the complaint were with registrar and she had several options which included making inquiries from incumbent officials.

Kilonzo, who assisted by James Orenge, Otiende Amalo, T.J. Kajwang, Kethi Kilonzo, Kitwa Kigen and Daniel Maanzo, said that the registrar of societies deliberately ignored the provisions of the Societies Act and went to register people who had moved out of the party.

The court heard that one of the officials in the splinter group Noah Katana Ngala still remains national vice-chairman of Kanu while Mr Uhuru is the chairman but his names has been removed, though no elections have been conducted.

Kilonzo said registration of the Biwott group had killed the spirit of multiparty democracy in Kenya and further contravened the constitution which provides for pluralism.

Mr Uhuru was accompanied by ODM-K luminaries Raila Odinga, Kalonzo Musyoka and former Vice-President Mwalia Mudavadi.

Other MPs included Marsden Madoka, Charles Keter, Gideon Ndambuki, Henry Kosgei, Prof Peter Anyang Nyong'o, Major-General (rtd) Joseph Nkaiyyer, nominated MP Dr Julia Ojiambo, Justin Muturi, former MP Dalmas Otiemo and hundreds of Kanu supporters from both camps.

The hearing resume today.

Plea seeking to block titanium mining flops

JOHN OSORO

THE High Court yesterday dismissed a petition seeking to stop a multi-billion shillings titanium mining project in Coast Province.

The court said the declaration sought by eight farmers cannot be admitted because the allegations on compulsory acquisition claim had not been authenticated.

Head of constitutional and judicial review division Justice Joseph Nyamu said the petitioners led by Rodgers Mwema Nzoka had sued wrong parties on whom the prayers sought pertaining to fundamental right cannot be issued.

The court dismissed the petition on further grounds of being incompetent by joining parties who are irrelevant to the case.

Justice Nyamu said that the applicants failed to pursue the right parties in seeking compensation as provided for in the Mining Act.

He said the resources intended to be exploited are vested in the Government and the court has to balance the individual rights of ownership with the public interest to have the mineral exploited

for the public good. He said the Government agencies cannot be denied reasonable access to the land which has the natural resources to be exploited.

The government had approved and obtained special mining lease in favour of Tiorini Company Limited to commence the mining project.

The company was granted the prospecting licence by the Government to search and establish whether there is sufficient titanium in Kwale district for commercial use after it complied with regulations.

The court was told during the hearing Government officers had not harassed the inhabitants to surrender their lands for mining.

Lawyer Destoro Oyatis submitted that the Government had decided to negotiate a compensation package with the affected landowners.

Mr Oyatis said that the Government had set up a Cabinet sub-committee to handle the issue of compensation through the assistance of farmers committee which had been established in 1998 to carry negotiations with relevant Government bodies.

Court told Kibaki's kin may have committed suicide

RICHARD MUNGUTI

A NIECE of President Mwai Kibaki could have committed suicide, a defence lawyer told the High Court yesterday.

Patrick Kiage said police found Stella Kibaki lying in a pool of blood at her Kinathi Estate but did not recover the murder weapon. No photographs of the scene were produced and crucial witnesses were not called to testify while the only witness who could have been the eyewitness fled and was never traced.

"This trial was being conducted by faith and not through the well established principles of evidence. Vital links were left out. This case should be dismissed."

Therefore be determined in favour of my client. He deserves an acquittal which I hereby urge the court to pronounce," submitted Kiage.

The lawyer submitted before Justice Muga Apondi who is trying a former boyfriend of Stella, Love Mwangango, that the prosecution has failed to tender in court tangible evidence against his client (Mwangango).

He said it can only be ruled that either Stella committed suicide. He said the only human being who was around the house of the deceased was a security man called Mutuku who disappeared immediately after the death of the then Kenya Airways hostess.

"It could have been suicide. If she did not commit suicide then whoever killed her must have been looking for something," he said.

The judge heard that when the murder occurred, the only person near the house of the deceased was a watchman by the name of Mutuku who disappeared that night and never returned to work.

Justice Apondi heard police did not look for Mutuku to record a statement from him. Kiage said besides Mutuku, the prosecution did not call other important witnesses to testify.

Mwangango has denied murder Stella on the evening of February 18, 2005, at her Kinathi House. The case is being prosecuted by senior principal state counsel Tabitha Ouya. Hearing continues.

The prosecution has failed to tender in court tangible evidence