

Mum burns child with hot ugali

BY CAROLYNE KUBWA

A woman pleaded guilty yesterday to burning her child with a plate of hot ugali.

Caroline Atieno, 26, admitted before Makadara principal magistrate E Jalang'o that she subjected her five-year-old girl to cruel punishment.

She allegedly committed the offence on October 9 at Dandora in Njiru.

The court heard that Atieno, a single mother of two, was preparing ugali for lunch when the child started crying, saying she was hungry.

She expressed remorse.

Atieno said anger overwhelmed her because she is struggling to take care of her two children.

Jalang'o ordered her probation report before sentencing her.

Church fights mosque in its compound

BY SUSAN MUHINDI

A case challenging the construction of a mosque in a church compound has been transferred to the Environment and Lands Court.

High Court judge Joseph Onguto said he was not convinced the petition should be filed before a constitutional court.

The case will be heard on October 29.

The Presbyterian Church of East Africa is seeking a temporary order stopping the committee of al Aqsa from constructing a mosque or madrassa on its property in Kibera.

PCEA says it has suffered great losses and has also lost members due to al Aqsa's acts.

No merger for cases on judges' retirement

BY PETER NG'ETICH

CASES filed by four judges challenging the requirement to retire at 70 will not be consolidated.

The case by Deputy Chief Justice Kalpana Rawal, Supreme Court judges Philip Tunoi, Leonard Njagi and David Onyancha of the High Court will be heard sequentially this week.

The order was not immediately given.

The cases had been consolidated but the judges filed an appeal before Court of Appeal judges Sankale ole Kantai, Fatuma Sichale and Jamila Mohammed.

Tunoi and Onyancha said their cases are different from that of Njagi.

The four judges have refused to retire, saying they were hired under the old constitution permitting retirement at 74.

Chief Justice Willy Mutunga appointed the five judges, headed by Milimani High Court principal judge Richard Mwangi, to hear the cases.

This was after Rawal contested going for leave pending her retirement after reaching 70.

Mwangi ruled that the

cases will be heard this week and judgements delivered separately on a later date.

Others hearing the cases are judges Weldon Korir, Hedwig Ongudi, Christine Meoli and Charles Kariuki.

The Judicial Service Commission agreed to have the cases heard separately but at the same time and that the findings of the court be made in respect of each case.

Filing her case last month, Rawal asked Justice Isaac Lenaola, the head of Constitutional and Human Rights, to appoint a three-bench judge to hear her case.

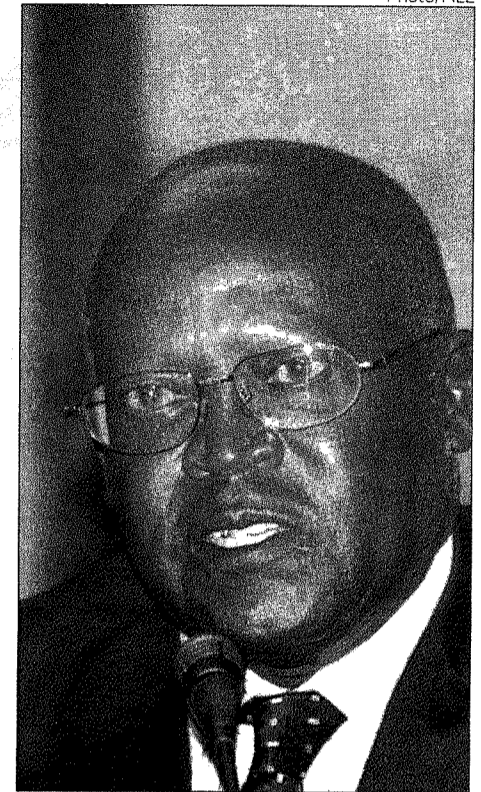
She argued that the dispute does not involve her alone, but touches on when judges appointed under the old constitution should retire.

Rawal said any recruitment and appointment of her replacement would result in a constitutional crisis, as there would be two persons occupying the same office.

But the JSC argued there are no constitutional questions to warrant a bench because the dispute is between an employer and an employee.



UNBOWED: Deputy Chief Justice Kalpana Rawal on August 3.



NOT UNTIL 11 PM 74: Supreme Court judge Philip Tunoi.

The commission said the Employment and Labour Relations Court should deal with the matter.

JSC, which oversees judges' recruitment, said Rawal's refusal to retire would

cause a constitutional crisis by frustrating its efforts to avoid a vacuum when she retires.

In an affidavit sworn by judiciary Chief Registrar Anne Amadi, JSC said it

would be harmful to the public if the court stops the recruitment of a new DCJ as it would interfere with a smooth transition.

The hearing continues today.

Wairia tries again to block sacking

BY CAROLE MAINA

MURANG'A Governor Mwangi Wairia will make a second attempt to convince the High Court to stop the Senate from debating his impeachment.

His lawyer Paul Muite appeared before Justice Joseph Ongutu yesterday, but he was directed to return to court on Thursday.

The Senate is not sitting this week and the Speaker is yet to constitute and summon a special committee to hear the petition

forwarded by the Murang'a assembly.

Wairia moved to court on Friday last week to stop Speaker Nduati Kariuki from sending the decision to the Senate.

He said he was not given a chance to defend himself.

But the judge declined to issue the orders, saying the governor will not suffer any prejudice.

Thirty-four out of 49 MCAs voted for a motion to impeach Wairia, citing gross misconduct and abuse of office.

Muturi backs MPs to fire ministers

BY CAROLE MAINA

NATIONAL Assembly Speaker Justin Muturi yesterday urged the High Court to dismiss a suit seeking to strip MPs' powers to remove Cabinet Secretaries.

He said the orders sought by the Commission for the Implementation of the Constitution cannot be issued because the law is clear on powers of the House on removing CSs.

The CIC moved to court,

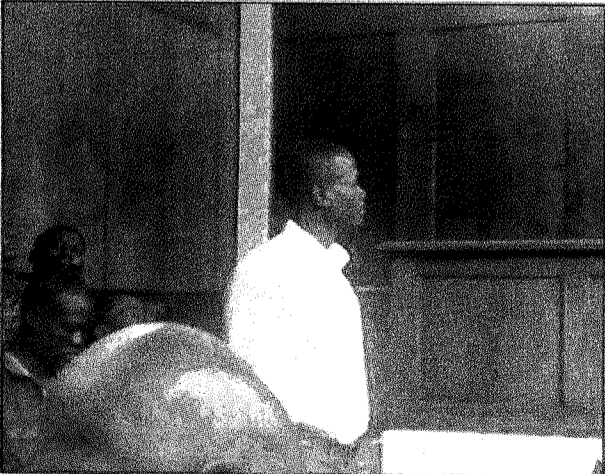
arguing Section 66 of the standing orders empowering MPs to fire CSs is unconstitutional and should be declared null and void.

The commission says the law is wrong as it allows the National Assembly to act as the complainant, investigator, prosecutor and executor of its own resolutions.

Muturi said CIC has not provided sufficient grounds why MPs should be barred from exercising their mandate.

Washiali's guard out on bond over robbery

Photo/MAURICE ALAL



CHARGED: Mumias East MP Benjamin Washiali's bodyguard Paul Wanyama in a Kisumu court yesterday.

BY MAURICE ALAL

A bodyguard of Mumias East MP Benjamin Washiali yesterday was charged with attempted robbery and unlawful use of a firearm.

Police officer Paul Wanyama denied before a Kisumu court charges of plotting to commit robbery with violence and unlawful use of a Ceska pistol F9345.

He is accused of giving out the firearm assigned to him by the National Police Service Commission to an unauthorised person.

The pistol had 12 bullets. Wanyama and driver

Clement Sakwa were arrested on Saturday night near Star Hospital in Kisumu town.

He was released on Sh300,000 bond or Sh200,000 bail.

The case will be mentioned on November 9. The hearing was set for January 8.

Wanyama and Sakwa allegedly committed the offence on October 24 in Kisumu town.

Sakwa was not in court to plead to the charges.

Washiali said he learned of the incident when Kisumu Central OCS John Kithela called him.

Graft case against CS Kamau for next month

BY ALPHONCE MUNG'AHU

A Nairobi court yesterday ordered the corruption case to proceed against suspended Transport Cabinet Secretary Michael Kamau and seven other government officials.

Kamau faces five charges of abuse of office and irregular use of public funds.

Trial magistrate Lawrence Mugambi issued the order after rejecting an application for adjournment by defence lawyers led by Cecil Miller.

The case had been scheduled for hearing yesterday.

But the defence lawyers said their clients filed a petition in the High Court, which will be heard on November 12.

They wanted the trial stopped pending the outcome of the petition.

Senior assistant Director of Public Prosecutions Alloys Kemboi opposed the application, saying no restraining orders have been obtained by defence.

He said the prosecution is ready.