

TUSSLE Freeze on two Italian brothers' assets lifted

By NATION Correspondent

A judge yesterday reversed his earlier orders freezing the assets of two Italian brothers and a local firm.

However, Mr Justice Tom Mbaluto of Mombasa Commercial Courts, Nairobi, said he would on June 26 give his reasons for setting aside the orders he gave on May 31 in favour of another Italian investor, Mr Renzo Dall'Agnese.

The order had restrained Mr Gianfranco Guerrato, Mr Giorgio Guerrato and Q & Q Emporium from transferring their undisclosed assets to third parties or from operating their bank accounts.

The judge's decision followed an application filed by the two brothers and the company. Their lawyers, Mr Philip Murgor and Mr Cecil Miller, claimed the earlier orders were obtained through deceit. They said Mr Dall'Agnese had failed to disclose important facts to the judge.

The lawyers had urged the court to dismiss the orders saying they had frustrated the brothers and the operations of Q & Q Emporium. The brothers were claiming Sh108 million from Mr Dall'Agnese, the lawyers said.

The dispute, the court heard, had been put on hold by another judge, Mr Justice John Osiemo, who two days earlier had referred it to an arbitrator.

But Mr Desterio Oyatsi, for Mr Dall'Agnese, said he filed another application because the orders he sought could not be given by an arbitrator.

Man charged with the murder of Akasha's son

By FRANCIS THOYA

A man has been charged with the murder of one of Mr Ibrahim Akasha's sons.

Mr Mohammed Omar Abdalla was, however, not allowed to plead to the charge as consent to prosecute had not been received from the Attorney-General.

The accused is the first suspect to be charged with the killing of Mr Kamaldin Akasha Abdalla, who was gunned down at his petrol station in Makupa, Mombasa, last March.

He denied a separate charge of robbery

The accused denied another charge of violent robbery.

The prosecution told the court yesterday that Mr Abdalla, 35, in the company of others still at large, violently robbed Mr Ahmed Issa of an unregistered motor vehicle while armed with pistols in Nyali on February 28.

At the time of the robbery, the prosecution said, the accused shot dead Mr Issa.

Mombasa Chief Magistrate Hannah Okwengu ordered that Mr Abdalla be remanded.

She also directed that Mr Abdalla be taken to hospital for treatment following complaints that he had been tortured while in police custody and that a medical report be prepared and produced in court.

The prosecution raised no objection.

The accused removed his shirt and showed the court scars that were on his



Photo/G

Mr Mohammed Omar Abdalla as he appeared yesterday before Mombasa court. He was charged with the murder of Mr Kamaldin Abdalla, one of Mr Ibrahim Akasha's sons.

back. Prosecuting Superintendent Joseph Kundu had told the court that Mr Abdalla, jointly with others not before court, murdered Mr Kamaldin Akasha on March 28, this year, at his Makupa fuel station. Immediately after the murder had been read out, the application for the case to be heard after every two weeks since then had not been given consent to prosecute.

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