



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KITALE**

**JUDICIAL REVIEW NO. 4 OF 2018**

**REPUBLIC.....APPLICANT**

**GERALD NJOROGE MBURU.....EXPARTE**

**AND**

**THE CHIEF MAGISTRATE, KITALE.....1ST RESPONDENT**

**THE KENYA FOREST SERVICE.....2ND RESPONDENT**

**THE OFFICER IN CHARGE KITALE POLICE STATION...3RD RESPONDENT**

**THE ATTORNEY GENERAL.....4TH RESPONDENT**

**RULING**

1. The court has perused the application dated 5/12/2018 by the exparte applicant. The same was not opposed by the Respondents.
2. The proceedings from the lower court shows that the Applicant was not a party though a registered owner of the motor vehicle in question Section 389 A (1) of the Criminal Procedure Code anticipates that the notice of forfeiture ought to be served upon the owner of the property. This shall enable him to show cause why the same should not be forfeited.
3. In light of the above omission the application is hereby allowed with no order as to costs.

**Delivered, signed and dated at Kitale this 20<sup>th</sup> Day of December, 2018.**

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**H.K. CHEMITEI**

**JUDGE**

**20/12/18**

**In the presence of:**

**Arunga for the Applicant**

**Kakoi for the Respondent**

**Court Assistant – Kirong**

**Ruling read in open court.**