



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL SUIT NO. 53 OF 2013**

**ANTONY WAHOME.....APPLICANT**

**VERSUS**

**PARMINDER SAIMBI.....1<sup>ST</sup> RESPONDENT**

**AMOS WERU .....2<sup>ND</sup> RESPONDENT**

**RIAZ ABDULGANI.....3<sup>RD</sup> RESPONDENT**

**(Sued as officials and the management committee of KENYA REGIMENT RIFLE CLUB)**

**ORDER ON SENTENCE**  
**FOR CONTEMPT**

1) On 11<sup>th</sup> December 2015, this court found the Respondents, namely Parminder Saimbi, Amos Weru and Riaz Abdulgani the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents respectively guilty for contempt on the application of Anthony Wahome. The Respondents' learned advocates were invited to make submission in mitigation before sentence.

2) In the motion dated 20<sup>th</sup> May 2015, the Applicant sought to have the Respondents to each serve 6 months custodial sentence for contempt with a fine of kshs.1,000,000/=. Mr. Kaimenyi learned advocate for 1<sup>st</sup> and 3<sup>rd</sup> defendant to be lenient to the Respondents because the duo did not exhibit any malice when they breached the court order. He further pointed out that the Respondents believed that they have all the time been complying with the court order and that they acted in good faith. The duo also argued that the omission to sent or forward email to the Respondents and other members of Kenya regiment.

3) Rifle Club was not in any way intentional. It is also said that there have been no disciplinary matters conducted since the orders were issued. The Respondents pledged to obey any orders issued by this court. They also stated that if given a chance they are ready to plunge the contempt.

4) They profusely apologised and sought for the pardon of this court.

5) Mr. Buteti, learned advocate for the 2<sup>nd</sup> Respondent adopted the submissions for Mr. Kaimenyi. The learned advocate pointed out that Amos Weru, the 2<sup>nd</sup> Respondent was not a member of the executive committee of the club the time of the issuance of the court order. Mr. Buteti argued that whereas the

court order was issued on 27.2.2013 while the same was allegedly breached on 14<sup>th</sup> April 2013. By 24<sup>th</sup> February 2013, it is argued that Mr. Amos Weru was voted out hence he was not in a position to even comply with the court order. The learned advocate informed this court that parties to the club have had discussions and have largely reconciled.

6) I have considered the mitigating factors submitted by learned counsels on behalf of the Respondents. The Respondents have profusely tendered their apologies to this court. They have each pledged to comply with orders of this court. It is clear in my mind that the Respondents may not have taken seriously the court orders issued and served upon them. It would appear they had no malice to blatantly disobey the court orders. This court has a wide range of sentences it can impose against such contemnors. In the circumstances of this case I think a fine as opposed to a custodial sentence is appropriate. The Respondents have religiously appeared in court when summoned. Their demeanour indicated that the Respondents are law abiding citizens who are ready to submit themselves before the court. They willingly obeyed ten court summonses without this court utilizing its coercive powers.

7) I hereby sentence each Respondent to pay a fine of ksh.10,000/= within the next 15 days from the date hereof. Since the parties are in the process of amicably settling this dispute out of court, I order that each party meets his own costs.

Dated, Signed and Delivered in open court this 19<sup>th</sup> day of February, 2016

**J. K. SERGON**

**JUDGE**

In the presence of:

..... for the Applicant

..... for the Respondent