



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**MISC. CR. APPLICATION NO. 369 OF 2016**

**ROBERT FRED MUGA.....1<sup>ST</sup> APPLICANT**

**ABDUL RASHID ONYANGO KOECH.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

From the above analysis of this matter, it is clear that there is no good ground why the police should continue to detain the subject motor vehicle. It is only useful in the trial in demonstrating that the accused persons were driving in it at the time of their arrest. The motor vehicle itself is not under investigations. The Applicant which is a car hire company has demonstrated the ownership by logbook No. K502791B registered on 29<sup>th</sup> August, 2013. Photographs of the vehicle have been taken which will be good enough evidence in the trial.

Accordingly, I order that motor vehicle Reg. No. KBV 219Y be forthwith released to Moto Gari Ltd. The said Moto Gari Ltd. is directed that it must produce the physical vehicle to the trial court when and if required to do so.

**DATED and DELIVERED** this 17<sup>th</sup> day of **OCTOBER, 2016.**

**G.W. NGENYE-MACHARIA**

**JUDGE**

***In the presence of:***

*1. Mr. Mburu for the Applicants.*

*2. Ms. Atina for the Respondent.*