



**REPUBLIC OF KENYA**

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

**Misc Appli 17 of 2007**

**KENYA ANTI-CORRUPTION COMMISSION .....APPLICANT**

**V E R S U S**

**THINGA DEVELOPERS LIMITED .....RESPONDENT**

**R U L I N G**

This is an application (by originating motion dated 18<sup>th</sup> July, 2007) by the **KENYA ANTI-CORRUPTION COMMISSION** (hereinafter called “the Applicant”) under section 56 of the **Anti-Corruption and Economic Crimes Act, No.3 of 2003** (hereinafter called “the Act”). Under sub-section (1) of that section, this court may, on an *ex parte* application by the Applicant, make an order prohibiting the transfer or disposal of, or other dealing with, property “**on evidence that the property was acquired as a result of corrupt conduct**”.

The Applicant seeks against the Respondent, **VIBCO LIMITED**, an order to prohibit the transfer of, or other dealings with, the property known as **L.R. NO. 22168 (I.R. NO. 71332)** for a period of six months from the date of the order. There are two supporting affidavits. The first one is sworn by one **YUVINALIS ANGIMA**, an investigator, duly appointed, working with the Applicant. To it are annexed many and varied documents. The second supporting affidavit is sworn by one **PETER JAMES KAMWARA**; he describes himself as “the Head of Forest Survey and Mapping in the newly inaugurated Kenya Forest Service ... established under the Forests Act, 2005”. He further states that prior to that appointment he was the head of the survey and mapping section within the Department of Forestry working under the Director of Forestry. There are three documents annexed to this affidavit.

I have carefully considered the submissions made by the learned counsel for the Applicant. I have also closely perused the two supporting affidavits and the documents annexed thereto. The parcel of land the subject-matter of these proceedings is one of thirty-five (35) sub-divisions of the original land parcel, **L.R. No. 12835 (Grant No. I.R. 37653)**. I had occasion in **Nairobi Misc. Application No. ELC 16 of 2007 (Kenya Anti-Corruption Commission v Vibco Limited)** to consider a similar application involving five (5) of the thirty-five (35) sub-divisions. I do not intend to repeat the exercise. Therefore, for the reasons given in the ruling dated 19<sup>th</sup> July 2007 in the aforesaid application, I will allow the present application. I will grant the prohibitory order sought. Costs of the application will be reserved pending any further proceedings herein. Those will be the orders of the court.

**DATED AT NAIROBI THIS 1<sup>ST</sup> DAY OF AUGUST, 2007**

**H. P. G. WAWERU**

**J U D G E**

**DELIVERED THIS 3<sup>rd</sup> DAY OF AUGUST, 2007**