



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

**Civil Suit 69 of 2006**

**BARCLAYS BANK OF KENYA LIMITED.....PLAINTIFF**

**VERSUS**

**PAUL MASIBO & 4 OTHERS.....DEFENDANTS**

**R U L I N G**

The plaintiff by chamber summons dated 23<sup>rd</sup> February 2006, brought under Order 39 Rule 1, 2 and 8 of the Civil Procedure Rules seeks to freeze a number of bank accounts belonging to the defendants.

The application is supported by an affidavit of Jason Turanta, plaintiff's security investigation manager. He deponed as follows:

- 1) That the plaintiff has several branch accounts, which include, profit and loss accounts, account maintenance commission received, account maintenance accounts commission received (business) and account maintenance commission received (personal).
- 2) That the aforesaid accounts are operated by managers of the plaintiff's respective branches.
- 3) That the deponent on 13.2.2006 received information that the plaintiff's queensway House and Nkurumah Road branches had lodged queries regarding their profit and loss account and that there were unauthorised debits from those accounts.
- 4) That the total unauthorised was for kshs 1, 307, 784/-.
- 5) The deponent carried out investigation and found out that all the unauthorised transactions were from one computer serial – YBNU022124 solely operated by a bank staff Mr Paul Nyongesa Masibo, the 1<sup>st</sup> defendant employed in the plaintiff's information Technology Department (IT) and was charged with maintenance of the plaintiff's computers.
- 6) On further investigation the deponent found out that the authorised debits were credited into the 2<sup>nd</sup> to 5<sup>th</sup> defendant's accounts.

7) The 1<sup>st</sup> defendant on discovering that investigations were being done debited his account with kshs 300, 000 then absconded from his employment only later to tender his resignation.

8) The deponent prayed for the bank accounts stated in the chamber summons and belonging to the defendants be frozen to ensure that recovery of the unauthorised debits is not difficult.

The defendant's counsel's despite being served with a hearing notice for the hearing of the chamber summon on 12<sup>th</sup> July 2006 failed to attend court. The plaintiff's application therefore was unopposed.

The court finds that the prayers sought in the chamber summons are merited and accordingly the court hereby grants the plaintiff's prayer No. 2 in the chamber summons dated 23<sup>rd</sup> February 2006. The plaintiff is also granted costs of that chamber summons payable to all the defendants.

**MARY KASANGO**

**JUDGE**

Dated and delivered this 17<sup>th</sup> July 2006.

**MARY KASANGO**

**JUDGE**