

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
Civil Case 41 of 2005

ANN NYAMBURA MUGWE PLAINTIFF
FRANCIS MUGWE WANJOHI DEFENDANT

RULING AND SENTENCE

The contemnor refused to obey court orders. He refused to open up the premises which were ordered to be opened. He also refused to return the good of trade which he was ordered to return. The court having considered the disobedience by the defendant found him guilty of contempt of court. But it gave him an opportunity to purge the contempt by giving him and his Counsel a chance to apologize or promise the court that the premises would immediately be opened or any other purging statement. However, instead the contemnor said he was prepared to go to jail in protection of his property and family. Under these circumstances the court has no alternative but to mete out the civil jail sentence as attachment of his property is not appropriate sentence in the circumstances of this case. It is the decision of the court that the contemnor should be detained in prison for one month and thereafter be brought back to court for confirmation as to whether or not the court order has been obeyed. If the orders are not obeyed the court shall be at liberty to send him back to prison, each time for thirty days until he purges the contempt provided that if he will have served a total of 6 months, the contemnor shall be set free.

It is so ordered.

DATED AT MERU THIS 6TH DAY OF SEPTEMBER, 2005

D. A. ONYANCHA
JUDGE