



**Assets Recovery Agency v Oriaenyo (Anti Corruption and Economics
Crime Miscellaneous Application E019 of 2025) [2025] KEHC 6293 (KLR)
(Anti-Corruption and Economic Crimes) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6293 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
ANTI-CORRUPTION AND ECONOMIC CRIMES
ANTI CORRUPTION AND ECONOMICS CRIME
MISCELLANEOUS APPLICATION E019 OF 2025**

BM MUSYOKI, J

MAY 14, 2025

BETWEEN

ASSETS RECOVERY AGENCY APPLICANT

AND

DANIEL OGAYE ORIAENYO RESPONDENT

RULING

1. The application before me is dated 13/5/2025 and is supported by affidavit of Benford Muriuki sworn on the same day. I hereby certify the application as urgent based on the grounds stated in the certificate of urgency.
2. The application seeks orders on the face of it which are to the effect of preserving motor vehicle registration number KCT 803E which is alleged to have been purchased using proceeds of crime. It is also averred that the motor vehicle was used in commission of a crime viz trafficking in narcotics and psychographic substances to wit cannabis sativa.
3. The deponent avers that the motor vehicle was under surveillance of DCI officers while transporting cannabis sativa on 28/3/2024 along Nairobi – Nakuru Highway. Before the officers could impound it, the motor vehicle was involved in an accident at Gilgil area and the occupants escaped but the respondent was soon thereafter arrested at the scene while making some calls. He was unable to explain his sources of income. The substance was tested and the respondent charged in Nakuru Chief Magistrate’s Criminal case number E815 OF 2024.
4. The deponent argues that the vehicle is registered to the respondent but what he has exhibited is only a hire purchase agreement. He has not exhibited a copy of records to prove ownership although



paragraph 12 of the supporting affidavit makes reference to one. However, the lack of a copy of record cannot bar the court from issuing preservation orders as prayed because in forfeiture proceedings, the subject matter is the property rather than the offender.

5. Based on the above and other averments in the supporting affidavit, I am satisfied that the applicant has made out a good case for preservation orders.
6. I consequently grant prayers 2, 3, 4 and 5 of the application. The orders shall be published in the Gazette pursuant to Section 83 (1) of the Proceeds of Crime and Anti Money Laundering Act and remain in force for 90 days as provided for in Section 84 of the same Act.

This file is closed.

DATED AND DELIVERED AT NAIROBI THIS 24TH DAY OF MAY 2025.

B.M MUSYOKI

JUDGE

14/5/2025

