



Assets Recovery Agency v Marlon & 4 others (Anti-corruption and Economic Crimes Miscellaneous E023 of 2025) [2025] KEHC 8207 (KLR) (Anti-Corruption and Economic Crimes) (16 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8207 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
ANTI-CORRUPTION AND ECONOMIC CRIMES
ANTI-CORRUPTION AND ECONOMIC CRIMES MISCELLANEOUS E023 OF 2025**

BM MUSYOKI, J

JUNE 16, 2025

BETWEEN

ASSETS RECOVERY AGENCY APPLICANT

AND

JEAN EMMANUEL MARLON 1ST RESPONDENT

WINNIE MUTHONI MAINA 2ND RESPONDENT

AFREX CONNECTIONS LIMITED 3RD RESPONDENT

SKYDIVE RHINO KENYA LIMITED-CURLCY 4TH RESPONDENT

RHINO PRIME METAL INTERANTIONA LTD-CURLCY ... 5TH RESPONDENT

RULING

1. The application dated 5th June 2025 is brought under Sections 81, 82, 84 and 131 of the *Proceeds of Crime and Anti-Money Laundering Act* and Order 51 Rule 1 of the *Civil Procedure Rules*. It seeks to preserve motor vehicles registration numbers KCW 8X0M and KDJ 03XQ, motor cycles registration numbers KMEG 4X8M and KMGH 23XF, Kshs 39,833.84 held in account number 042XXX7001 at Diamond Trust Bank, Kshs 2,070.28 held in account number 0754XXX001 at Diamond Trust Bank, Kshs 14,454.50 held in account number 088XXX9001 at Diamond Trust Bank and USD 36,200.32 held in account number 0754XXX002 at Diamond Trust. The application also seeks to have the money surrendered and deposited or transferred to the applicant's Criminal Assets Fund Account and motor vehicles be surrendered to the applicant together with their ownership documents.
2. The application is supported by affidavit of Collin Ipapo, an investigator with the applicant sworn on 5th June 2025. It is deponed that the 1st respondent through Afrex Bridge Limited where he is a director



- obtained USD 93,000 by false pretences that he was able to transport by air 500 kgs of high value cargo from Kenya to Dubai.
3. The deponent adds that the 1st respondent also obtained USD 27,000 and USD 21,000 by falsely pretending that he was in a position to charter a plane from Kenya to Dubai for one Didier Guillaume Gentil. Following the above incidences, the 1st respondent was arrested and charged at JKIA law courts through criminal case number 37 of 2025 with obtaining money by false pretences contrary to Section 313 of the [Penal Code](#) on 24th February 2025.
 4. The 1st respondent is a French national holding French and Spanish passports under the name of Sapiha Candela Jon Imanoi while the 2nd respondent is the known spouse of the 1st respondent. The 1st and 2nd respondents are directors in the 4th respondent together with other two persons who are said to be conduits of the 1st and 2nd respondents. The applicant has stated that the accounts sought to be preserved were used to convey the moneys falsely obtained as indicated above. The applicant adds that it reasonably believes that the assets it seeks to preserve were obtained through illegitimate means.
 5. I have read through the affidavit and the annexures thereto. It is apparent that the assets are likely to be proceeds of the criminal activities the 1st respondent has been charged with. It is important to preserve the assets noting that the 1st respondent is a French national and does not seem to have a Kenyan passport and especially so when he seems to have different names. There is high possibility that it will be difficult to make any recovery if the assets are dissipated or alienated before the forfeiture application is heard and determined. That will render the forfeiture proceedings nugatory.
 6. In am satisfied that there is need to preserve the assets awaiting filing of the forfeiture application. However, in my opinion prayers 7 and 8 which seek to have the preserved money transferred to the applicant are premature. Once the funds are preserved in the bank account, that would be enough to satisfy the decree for forfeiture.
 7. In view of what I have stated above, I hereby grant prayers 2(a), 2(b), 2(c), 2(d), 3, 4 and 5 as prayed. Prayer 6 is also granted but to the extent that the funds shall be preserved in the named accounts without the element or aspect of transfer. I will not make any orders as to costs.
 8. The orders shall remain in force for ninety (90) days upon publication in the Gazette.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF JUNE 2025.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

13/06/2025

