



**Directorate of Criminal Investigations (DCI) Keroka v Irungu;
Nyagechanga & another (Interested Parties) (Criminal Revision
E111 of 2023) [2024] KEHC 8292 (KLR) (20 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8292 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E111 OF 2023
WA OKWANY, J
JUNE 20, 2024**

BETWEEN

**DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)
KEROKA APPLICANT**

AND

EPHANTUS MWANGI IRUNGU RESPONDENT

AND

DOMINIC SABARI NYAGECHANGA INTERESTED PARTY

JEREMIAH OMAE NYAGECHANGA INTERESTED PARTY

RULING

1. This ruling is in respect to the Application dated 7th September 2023 in which the Applicant seeks, inter alia, orders to revise the Orders dated 4th September 2023 issued in Keroka MCCR Misc E061 of 2023. The said Order read in part, in part, as follows: -

It Is Hereby Ordered:

- 1 That the Motor Vehicle be released to the Applicant herein (Ephantus Mwangi Irungu) and he is ordered to deposit the vehicle log book, copy of his ID and all his contacts so that as the DCI continue with investigation, the vehicle does not waste away. The Applicant should also inform the police of his fixed abode and this should be confirmed by his area chief.
2. In the said Application, the Applicant also sought orders for the detention the Motor Vehicle Registration No. KCY 595K Toyota Voxy pending investigations on the basis that releasing it to the Respondent or the interested parties would render their investigations nugatory.



3. Through a Consent recorded on 14th May 2024, parties agreed that the orders sought in the Application dated 7th September 2023 be allowed. Concurrently with the consent, parties also urged this court to peruse the lower court's order of 4th September 2023 in order to satisfy itself as to its correctness and legality.
4. I have considered the said order of 4th September 2023 and I find that it was correct and proper as the trial court deemed it necessary to allow the Applicant carry out its functions as the office duly vested with the responsibility of investigating criminal matters. I find that the trial court properly balanced the Applicant's investigative duties with the Respondent's right to property and arrived at the right decision in order to preserve the subject matter of the case. I am satisfied that the said Order was correct, legal and appropriate but hasten to add that the Applicants should indicate the timelines within which they expect to conclude their investigations so as to bring this matter to an end.
5. For the above reasons, I direct that this matter be mentioned on 24th July 2024 for final orders.
6. Orders accordingly.

JUDGMENT DATED, SIGNED AND DELIVERED VIRTUALLY VIA MICROSOFT TEAMS AT NYAMIRA THIS 20TH JUNE 2024.

W. A. OKWANY

JUDGE

