



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT HOMA BAY

PETITION NO. 8 OF 2019

ANALISA OCHIENG' OBONG'O ALIAS

ANALISA ACHIENG' OKUMU.....PETITIONER

AND

THE HON. ATTORNEY GENERAL.....RESPONDENT

RULING

1. Analisa Ochieng' Obong'o alias Analisa Achieng' Okumu, the petitioner herein has petitioned the court to grant the following orders:

a) A declaration that:

i) Her fundamental rights and freedom enshrined in Articles 31 & 47 of the Constitution of Kenya have been denied, violated or infringed by the state.

ii) The respondent is liable to compensate the petitioner for the losses incurred by the petitioner since September, 2016.

b) That this court be pleased to review the orders made in Miscellaneous Applications No.2974 & 3073 of 2016 by the Chief Magistrate's Court at Nairobi by issuing an order of mandamus directed to the Co-operative Bank of Kenya compelling its General Manager to remove the preservation orders placed on accounts nos.[...], [...] and [...] and free the accounts to be operated as before September, 2016.

c) That this court order the release of motor vehicle registration No. KBP 864L Toyota Fielder after full repairs or pay its equivalent value of Kshs.1,250,000/= as at now and further pay Kshs.300,000/= incurred as a result of attachment of the petitioner's property.

d) That costs of this petition be paid by the respondent.

2. The petition was premised on the following grounds:

a) That PC Isaac Agutu obtained orders from court to investigate her Bank accounts and to impound her motor vehicle registration NO. KBP 864L.

b) That the said action was actuated maliciously by a disgruntled former employee.

3. The petition was opposed on grounds that:

a) The action complained of was prompted by genuine complaints against the petitioner.

b) The petitioner was subsequently charged with criminal offences after investigations.

4. On 25th August, 2016 Margaret Akinyi Anditi complained in writing to the National Police Service against the petitioner herein. She complained that the petitioner had embezzled some NGO funds. The Directorate of Criminal Investigation was tasked with the investigations of the complaint.

5. The investigations culminated in the petitioner being charged with three counts in Homa Bay Chief Magistrate's Court.

6. Interestingly, the petitioner did not mention the criminal charges anywhere.

7. I therefore find that the freezing of her accounts and impounding of motor vehicle registration NO. KBP 864L was legally done. The orders in respect of the said accounts and the impounded motor vehicle can be given by the court seized of the criminal case after it has been heard.

8. The petitioner was not candid when she approached this court. She concealed the fact that she was charged with a criminal case following the complaint.

9. I therefore find that the petition lacks merit and is an abuse of the court process. I accordingly dismiss it with costs.

DELIVERED and SIGNED at HOMA BAY this 14th day of June, 2021

KIARIE WAWERU KIARIE

JUDGE