

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ANTI CORRUPTION AND ECONOMIC CRIMES DIVISION

(CORAM: MUMBI NGUGI J)

CRIMINAL REVISION APPLICATION NO 6 OF 2020

ASSETS RECOVERY AGENCY.....APPLICANT

VERSUS

LAWPRO CONSULTANT LTD.....1ST RESPONDENT

ALI REZA BASSIR.....2ND RESPONDENT

ECO BANK.....3RD RESPONDENT

KELVIN MAYNE SYLVIA JULIETTE.....INTERESTED PARTY

RULING ON REVISION

1. The applicant has filed the application dated 5th March 2020 in which he seeks revision of the orders issued by Hon. M. Mutuku (CM) on 3rd March 2020. The application is brought, inter alia, under section 362 of the Criminal Procedure Code.
2. In the orders the subject of the application which were made on 3rd March 2020 and issued on 4th March 2020 in CMCC No 3515 of 2019, the court directed that the freezing orders whose extension the applicant had sought would remain in force until the 4th day of March, 2020, the same day on which they were issued.
3. I have considered the application and the affidavit in support, as well as the various annexures exhibited on the said affidavit. I note that the applicant had obtained freezing orders against the respondents' accounts on 10th September 2019. It had sought extension of the orders from the Chief Magistrate's Court to enable it seek legal mutual assistance from Canada with respect to its investigations.
4. That being the case, it is evident that the order made on 3rd March 2020 and issued on 4th March 2020 and which indicates that it would remain in force until the same day of its issue would not serve the purpose for which it was intended, which is to preserve the funds held in the accounts the subject of the application. It cannot have been the intention of the court to grant an order that is basically of no purpose whatsoever.
5. I accordingly exercise powers of revision and hereby grant orders as prayed at prayer 4 of the application dated 5th March 2020 for a period of fourteen days pending hearing and determination of the application *inter partes*. The application shall be served on the respondents for *inter partes* hearing or directions on 17th March 2020.

Dated and Signed at Nairobi this 5th day of March 2020

MUMBI NGUGI

JUDGE