

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.887 OF 2018

A I O.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

On 18th July 2019, this court ordered the Directorate of Criminal Investigation (DCI) to prepare an inventory of the items that it was holding in its possession that was recovered from the Applicant that related to the pending case before the trial magistrate's court. The court further ordered that if there were any pending investigations, that the same should be concluded within thirty (30) days from the date of this Ruling. It is now apparent that the DCI is still holding some of the properties belonging to the Applicant on the pretext that investigations are still ongoing. Investigations cannot go on forever. The court forms the view that the DCI is holding the properties listed in *Paragraph 2* of the application dated 17th September 2019 without any legally justifiable cause. It is in the interest of justice that the said property be restored to the Applicant as his constitutional right to own and possess property has been infringed. The Applicant's application is hereby allowed. The DCI is ordered to release to the Applicant motor vehicle Registration No.KCG 151X Toyota Prado, Pink file, Kampala University degree Certificate plus academic transcript and the 4 mobile phones (make Samsung) with immediate effect. The DCI has no legal justification to continue holding the said property. It is so ordered.

DATED AT NAIROBI THIS 18TH DAY OF SEPTEMBER 2019

L. KIMARU

JUDGE