

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. APPL. 102 OF 2012

PAUL KIVISI LUSITI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The application filed by the applicant herein which is undated fundamentally asks this court to order the Kenya Police Sacco to pay to the appellant who is currently serving a life sentence his dues which were deducted while on employment.

The appellant has come by way of several provisions of the constitution but essentially he is demanding for his deductions.

The appellant prior to being convicted for an offence of murder on 30-1-2006 was serving as a police officer with police No. 52853/86117754.

The learned state counsel after several adjournments where he sought to get more facts from the Sacco but in vain conceded to the application but not before filing a replying affidavit.

The application is not well drafted and this is well understood. But the bottom line is this court should look at the spirit of the said application.

Having perused the same in the absence of any contrary views it is my finding that the applicant was duly employed by the Kenya Police and he was a member of the Kenya Police Sacco Ltd. The only document availed to court is a letter dated 23-9-2007 which showed his contributions on shares to be 99,700/=.

Consequently, I do order that the Kenya Police Sacco Ltd do pay the applicant's entitlement within the next 30 days from the date herein. The aforesaid sum should be paid to the Deputy Registrar of this court where the applicant shall give further instructions to the registrar on disbursements thereof.

Orders accordingly.

Dated, signed and delivered at Kisumu this 3rd day of March, 2014.

**H.K. CHEMITEI
JUDGE**