



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL REVISION NO. 19 OF 2014**

ABDULRAZAK KHALIFA SALIM ..... APPLICANT

VERSUS

REPUBLIC .....RESPONDENT

**REVISION**

This matter for revision has been referred to this Court by the learned trial magistrate for purposes of revision.

Orders had been granted exparte by that Court for Warrants to investigate accounts and freeze the accounts pending the completion of investigations.

Mr. Kiprop for the State concedes to the Revision on the grounds that Section 180 of the Evidence Act is limited to investigation only.

Section 180 of the Evidence Act provides,

*“Where it is proved on oath to a Judge or magistrate that in fact or according to reasonable suspicion, the inspection of any bankers book is necessary or desirable for the purpose of any investigation into the commission of an offence, the Judge or magistrate may by Warrant authorize a police officer or other person named therein to investigate the account of any specified person in any bankers book and such warrant shall be sufficient authority for the production of any such bankers book as may be required for scrutiny by the officer or person named in the Warrant, and such officer or person may take copies of any relevant entry or matter in such bankers books”.*

It is quite evident from the above that the provision does not allow for the freezing of bank accounts but for purposes of investigating them only.

The order for freezing the accounts was in error and its accordingly revised/vacated.

Ruling delivered dated and signed this **14th** day of **May, 2014**.

.....

**M. MU YA**

**JUDGE**

**14TH MAY, 2014**

**In the presence of:-**

Mr. Makasembo for the applicant

Mr. Mureithi for the State