

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KIBERA**  
**CRIMINAL REVISION NO. E009 OF 2026**

ELIZABETH AKINYI.....APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....1<sup>ST</sup>  
RESPONDENT

INSPECTOR GENERAL OF POLICE.....2<sup>ND</sup>  
RESPONDENT

DIRECTORATE OF CRIMINAL INVESTIGATIONS.....3<sup>RD</sup>  
RESPONDENT

**RULING**

1. The Applicant filed the Notice of Motion dated 3<sup>rd</sup> February 2025 seeking release of motor vehicle registration number KCU 286E Nissan Tiida, currently detained at Kilimani Police Station. The application is supported by the grounds on its face and the Applicant's affidavit sworn on the same date.
2. The Applicant states that she is the registered owner of the motor vehicle. On 30<sup>th</sup> November 2025, she parked it at Heartland Apartments, Kilimani. Following a death reported within the premises, police officers impounded the vehicle for investigative purposes. The Applicant contends that the police have had ample time to complete investigations, yet the vehicle remains detained. The matter has since been referred for an inquest, no charges have been preferred, and the principal suspects were released unconditionally. She argues that no lawful basis subsists for continued detention.
3. In a further affidavit dated 10<sup>th</sup> February 2026, the Applicant depones that in Miscellaneous Application No. 204 of 2025 she

previously sought release of the vehicle. The prosecution requested two weeks to finalise investigations. When the matter came up on 13<sup>th</sup> January 2026, the prosecution informed the Magistrate's Court that investigations were complete and no charges would be preferred, and sought referral for the matter to an inquest. The Applicant now seeks revision of the decision closing the file without ordering release of the vehicle.

4. Learned prosecution counsel, Ms Gichui, indicated that the State does not oppose the application.
5. I have considered the application, the affidavits, and the applicable law. The issue for determination is whether the continued detention of the motor vehicle is justified.
6. I have carefully reviewed the proceedings before the trial court and the material placed before this Court. There is no indication on record that the subject motor vehicle was itself an instrument of the alleged offence, nor that it bears any evidential nexus to the death under investigation. The record further shows that investigations were concluded without any charge being preferred and that the matter was referred for an inquest. In those circumstances, no basis has been demonstrated to justify the continued detention of the vehicle.
7. Notwithstanding the conclusion of investigations, the trial court did not give directions on the status or disposal of the motor vehicle when the file was closed. That omission has had the effect of leaving the vehicle in continued police custody without lawful justification. Such retention, in the absence of demonstrated evidential value or pending proceedings requiring its preservation, amounts to an unjustified interference with the Applicant's proprietary rights and livelihood.

8. In the premises, and there being no opposition from the prosecution, I am satisfied that the application is merited. I accordingly allow it in the following terms:

- (i) The Officer Commanding Station (OCS) Kilimani Police Station and/or Directorate of Criminal Investigations are hereby directed to release Motor vehicle registration number KCU 286E Nissan Tiida is hereby released to the applicant's advocate Otieno Okado of National Identity Card No. 31534094 and Telephone Number 0728986473 currently held at Kilimani Police Station
- (ii) The Applicant shall not dispose of, transfer, charge, or otherwise part with possession of motor vehicle registration number KCU 286E Nissan Tiida without prior leave of the Court pending conclusion of the inquest or further orders. Orders accordingly.

**Ruling dated and delivered virtually this 23<sup>rd</sup> day of  
February 2026**

**D. KAVEDZA  
JUDGE**

**In the presence of:**

Mr. Otieno for the Applicant  
Ms. Gichui for the Prosecution  
Karimi Court Assistant.