

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ANTI-CORRUPTION AND ECONOMIC CRIMES DIVISION
ACEC MISCELLANEOUS CIVIL APPLICATION NO. E014 OF 2025
ETHICS AND ANTI-CORRUPTION COMMISSION.....APPLICANT

-VERSUS-

STEPHEN GOLE LOWOTON T/A
NAPEYOK SUPPLIERS & CONTRACTOR.....1ST
RESPONDENT
TRABAMO INVESTMENT LIMITED.....2ND
RESPONDENT
JULIAH EKARAN KAMAIS.....3RD
RESPONDENT

CONSOLIDATED WITH MISC CIVIL APPLICATION NUMBER E016 OF 2025

ETHICS AND ANTI-CORRUPTION COMMISSION.....APPLICANT

-VERSUS-

NAPEYOK SUPPLIERS & CONTRACTOR...
.....RESPONDENT

RULING

This ruling is for applications by the respondents dated 21st October 2025 in miscellaneous civil application number E014 of 2025 and 1st November 2025 in miscellaneous civil application number E016 of 2025.

On 11th April 2025 Honourable Justice Kanyi Kimondo issued orders in miscellaneous civil application number E014 of 2025 preserving funds in the following accounts for ninety days;

- a) Kshs. 110,000,000 held in fixed deposit account no. 0990385621366 in Equity Bank Lodwar branch in the name of Napayok Suppliers and Contractors.
- b) Kshs. 125,000,000 held in fixed deposit account no. 0990385608223 in Equity Bank Lodwar Branch in the name of Napayok Suppliers and Contractors.
- c) Kshs. 230,000,000 held in fixed deposit account no. 01105913203003 in Co-operative Bank Lodwar Branch in the name of Kamais Juliah Ekaran.
- d) Kshs. 649,375.36 held in a/c no. 0990273401035 Equity Bank Lodwar Branch in the name of Trabamo Investment Limited.

By ruling dated 16th September 2025, I reinstated the preservation orders which had lapsed on 10th July 2025 and extended them to 10th October 2025. On 8-10-2025, Honourable Lady Justice L.M. Njuguna extended the preservation orders for a period of six months which prompted the respondents to file the application dated 21-10-2025 seeking to review and set aside the said orders. This application was opposed by the applicant through an affidavit sworn 3rd December 2025 by Margaret Wambeli an investigator with the applicant.

On 23rd April 2025, Honourable Lady Justice L.M. Njuguna issued orders in miscellaneous civil application number E016 of 2025 preserving funds held in fixed deposit accounts numbers 0990386186169 in Equity Bank Lodwar Branch and 0990385579532 in Equity Bank Lodwar Branch for six months. On 22nd October 2025, the Honourable Judge extended her orders of 23rd April 2025 for a further period of six months upon which the respondent who I believe is the same as the 1st respondent in miscellaneous civil application number E014 of 2025 to file an application dated 1st November 2025 seeking to review and set aside the orders extending the preservation.

The two matters were consolidated on 11th November 2025 with number E014 of 2025 being the lead file. Parties continued appearing for directions before Honourable Justice L.M. Njuguna for compliance until 18th December 2025 when the court gave a mention date for 5th February 2026 for purpose of confirming filing of the applicant's submissions. Unfortunately, on this date, Honourable Justice L.M. Njuguna could not sit because she had been elevated to the Court of Appeal and Honourable Justice Wilfrida Okwany who was holding for the division as I was also unavailable due to bereavement gave a mention date before me on 11-03-2026 which date I preserved the matters for ruling today.

I have given the above history in order to lay bare why and how the matters' fate could not be decided before the lapse of the six months period after the orders sought to be reviewed were issued. It is notable that the order sought to be reviewed in miscellaneous application number E014 of 2025 lapsed on 8th April 2026 while that in miscellaneous application number E016 of 2025 lapsed on 22nd April 2026 and there have been no application for further extensions. I also note that the respondent filed their submissions dated 12th December 2025 on 14-12-2025 while the applicant filed its submissions dated 29th January 2026 on 30-01-2026.

This court has not been told whether the substantive suits have been filed against the respondents and whether there are any orders other than those which were issued in these matters and which have since lapsed. Even if the suits were filed, there would be no justification for extending the orders in the applications before me as preservation orders in matters of this nature become spent after the substantive suits are filed. Any orders for further preservation would be dealt with in the substantive suits. It is regrettable that the applications had to be overtaken by events after the parties had spent their energies in prosecuting the same but the circumstances were beyond the control of this court.

In the above circumstances and the applications have been overtaken by events, this court orders as follows;

1. These files have outlived their purposes and they are hereby closed.
2. For clarity and avoidance of doubt, it is ordered that there are no existing preservation orders in this court's miscellaneous civil applications numbers E014 of 2025 and E016 of 2025 in respect of the following accounts;
 - a) Account no. 0990385621366 in Equity Bank Lodwar Branch.
 - b) Account no. 0990385608223 in Equity Bank Lodwar Branch.
 - c) Account no. 01105913203003 in Co-operative Bank Lodwar Branch.
 - d) Account no. 0990273401035 in Equity Bank Lodwar Branch.
 - e) Account no. 0990386186169 in Equity Bank Lodwar Branch; and
 - f) Account no. 0990385579532 in Equity Bank Lodwar Branch.
3. I make no orders as to costs.

Dated, signed and delivered at Nairobi this **30th** day of **April** 2026.

B.M. MUSYOKI
JUDGE OF THE HIGH COURT.

Ruling delivered in presence of Miss Biwott for the applicant and Mr. Omamo the respondent.

COPY