



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 14 OF 2017

IN THE MATTER OF: THE ANTI-CORRUPTION AND ECONOMIC ACT NO. 3 OF 2003

AND

IN THE MATTER OF: AN APPLICATION BY THE ETHICS AND ANTI-CORRUPTION COMMISSION FOR AN ORDER UNDER SECTION 56 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003 TO PROHIBIT THE TRANSFER OR DISPOSAL OF OR OTHER DEALINGS (HOWSOEVER DESCRIBED) WITH THE MERU PLOT NO. T/183 HOUSING GOVERNMENT HOUSE NUMBER HG/2-MILIMANI ESTATE

ETHICS & ANTI-CORRUPTION

COMMISSION (EACC)APPLICANT

VERSUS

PETER MARETEH MUGINGA.....RESPONDENT

AMENDED NOTICE OF MOTION

(SECTION 56 (4) OF THE ANTI-CORRUPTION & ECONOMIC CRIMES ACT NO. 3 OF 2003

RULING

1. The application by respondent in this suit is dated 9.8.2017 and was amended on 23.12.2017. It seeks to have orders of the court given on 24.5.2017 and extended on 23.11.2017 discharged.
2. The application was canvassed by way of written submissions. I have considered the arguments raised herein and the rival submissions.
3. Under section 56 of ACECA the applicant in the suit (EACC) has a mandate to apply for the orders akin to the ones issued on 24.5.2017. A respondent affected by such orders is also at liberty to apply for variation of such orders or discharge of the same.
4. I however find that the orders are now spent as even the six months period of extension given on 23.11.2017 has since lapsed on 24.5.2018. The orders of 24.5.2017 should therefore not remain in force
5. In the circumstances the court makes the following orders:
 - (i) The orders given on 24.5.2017 are declared as spent and hence discharged.
 - (ii) Each party to bear their own costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 18TH DAY OF JULY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Mutungu holding brief for Gitonga for respondent

HON. LUCY. N. MBUGUA

