



Omondi v Director of Public Prosecution & 2 others (Miscellaneous Criminal Application E199 of 2024) [2025] KEHC 515 (KLR) (28 January 2025) (Ruling)

Neutral citation: [2025] KEHC 515 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E199 OF 2024**

**DR KAVEDZA, J
JANUARY 28, 2025**

BETWEEN

IAN MANDELA OMONDI APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTION 1ST RESPONDENT

DIRECTOR OF CRIMINAL INVESTIGATIONS 2ND RESPONDENT

INSPECTOR GENERAL OF POLICE 3RD RESPONDENT

RULING

1. The applicant filed the notice of motion dated 3rd December 2024 seeking the release of motor vehicle registration number KAT 213P 14-seater van held at Langata Police station. The application is supported by grounds on the face thereof and an affidavit sworn by the applicant.
2. The averments made are that the applicant is the registered owner of motor vehicle registration number KAT 213P. On 30th March 2022 the driver of the motor vehicle was arrested and charged at Kibera Chief Magistrate’s Court Criminal Case no. E580 of 2022. The motor vehicle was detained at Langata Police Station. On 12th October 2023, the accused was acquitted of all charges. However, attempts to secure the release of the motor vehicle have been futile. The vehicle continues to be detained and is subject to wear and tear in its current state. There is no justification for its continued detention.
3. The application was canvassed by way of oral submissions which have been duly considered and there is no need to rehash them. Having considered the application, the responses, and the applicable law, the issue for determination
is whether the applicant should be granted the orders sought.



4. Upon perusal of the record and pleadings, it is evident that the subject motor vehicle has been under detention since 2022. However, there is no indication that the applicant has sought the release of the motor vehicle by way of an application before the trial court.
5. In light of the foregoing, this court declines to grant any orders at this stage, as the trial court has not yet rendered a determination on the matter. The applicant is hereby directed to file the application for release of the motor vehicle before the trial court in the first instance.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 28TH DAY OF JANUARY 2025

D. KAVEDZA

JUDGE

