



**Republic v Ibrahim & another (Criminal Revision E017 of 2025)
[2025] KEHC 9533 (KLR) (25 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9533 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITUI
CRIMINAL REVISION E017 OF 2025**

LW GITARI, J

JUNE 25, 2025

BETWEEN

REPUBLIC APPLICANT

AND

HUSSEIN ALI IBRAHIM 1ST ACCUSED

KADIR LIBAN ARERO 2ND ACCUSED

RULING

1. This ruling relates to an application under a Certificate of Urgency which is seeking orders that this court do stay the order issued by the Chief Magistrate at Mwingi Law Courts directing the release of Motor Vehicle Registration (KCY) which currently an exhibit.
2. That there is Risk to the Administration of Justice if the motor vehicle which is a critical exhibit in Mwingi Criminal Case No. E012/2025 between the Republic -vs- Hussein Ibrahim Kadir & Liban Arero is released. The applicant contends that the release of the said motor vehicle which is a critical exhibit pose a significant risk to the integrity of the criminal trial and may undermine the administration of justice.
3. The application was filed under a certificate of urgency and this court ordered the magistrate's order issued on 12/3/2025 be stayed until further orders of this court.
4. The applicant Rama Salad Liban filed a notice of motion dated 31/3/2025 seeking to be enjoined in the present application as an interested party.
5. The application is based on the grounds that the applicant is the registered owner of motor vehicle registration number KCY. That the motor vehicle is for commercial hire and the intended interested party had hired it out to the respondent and on 24/1/2025 the respondents were intercepted along Mwingi – Garissa road at a Police Check Point in Kanyonyo Kitui County allegedly transporting



narcotic drugs and was seized. The respondents were charged in Mwingi MCCR No. E012/2025 Republic -vs- Hussein Ibrahim Adan and Kadir Liban Arero with offence of trafficking of narcotic drugs.

6. That the intended Interested party is not a party to the Criminal Proceedings at Mwingi Law Court. That on 12/2/2025 he made an application before the trial court for the release of the said motor vehicle. On 12/2/2025 the trial court issued an order for the conditional release of the said motor vehicle. That the order is the subject of the revision proceedings before this court.
7. The applicant avers that he is a necessary party in this application of proceedings as he is the registered owner of the said motor vehicle. That if he is joined as a party the court will effectually and completely adjudicate and settle all the questions involved. He avers that the orders issued in the application for revision will impact on the Interested party's right to the property. He pleads with the court to allow him to join these proceedings as Interested Party.
8. The notice of motion was supported by the affidavit of the applicant. The respondent opposed the application on the basis that the Interested Party has not proved ownership of the motor vehicle.
9. I have considered the application. The record of the lower court shows that the applicant has a stake in the matter as the vehicle was released to him. That is the order the applicant has challenged before this court. He may be prejudiced if he is not given an opportunity to be heard as the orders may adversely affect him.
10. I find that he is a necessary party. I therefore allow the application and order that the applicant be joined in this matter as an Interested party.

DATED, SIGNED AND DELIVERED AT KITUI THIS 25TH DAY OF JUNE 2025

HON. LADY JUSTICE L. GITARI

JUDGE

