



Assets Recovery Agency v Shande & 2 others (Anti-Corruption and Economic Crimes Civil Suit E008 of 2023) [2024] KEHC 6261 (KLR) (Anti-Corruption and Economic Crimes) (30 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6261 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
ANTI-CORRUPTION AND ECONOMIC CRIMES
ANTI-CORRUPTION AND ECONOMIC CRIMES CIVIL SUIT E008 OF 2023**

EN MAINA, J

MAY 30, 2024

BETWEEN

ASSETS RECOVERY AGENCY APPLICANT

AND

ABDINASIR HIRBO SHANDE 1ST RESPONDENT

FIRST COMMUNITY BANK 2ND RESPONDENT

GALGALO MOHAMMED LIBAN 3RD RESPONDENT

RULING

1. I have considered the Respondent’s application for stay of execution in the Notice of Motion dated 25th April 2024 in light of the Affidavits and rival submissions. I am satisfied that the same has merit. Moreover, **Sections 92(6) and 97** of the [Proceeds of Crime and Anti-Money Laundering Act](#) imply that a forfeiture order does not take effect until an appeal filed thereto is concluded. In the circumstances, the Notice of Motion is allowed but as the Respondent/Applicant has exhibited only the Notice of Appeal but not the Memorandum of Appeal, should there be no appeal filed within 30 days of this ruling, then the stay granted shall lapse. It is also further ordered that the motor vehicle shall remain preserved, in the custody of the Assets Recovery Agency/Respondent, as envisaged in **Section 97** of the [Proceeds of Crime and Anti-Money Laundering Act](#).
2. The costs of this application shall abide the appeal.
Orders accordingly.

Signed, dated and delivered virtually on this 30th day of May, 2024.

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E N MAINA

JUDGE

In the presence of:-

Mr. Owade for 1st Respondent/Applicant

No appearance for the ARA/Respondent

No appearance for the 2nd Respondent

No appearance for the 3rd Respondent

