



**LEGAL SERVICES DIRECTORATE  
ASSETS RECOVERY & CIVIL LITIGATION DEPARTMENT**

**Recovery Cases Instituted, Applications For Preservation  
Made and Recovered Assets Covering the 1<sup>st</sup>, 2<sup>nd</sup> And 3<sup>rd</sup>  
Quarters for the Fiscal Year 2018/2019**

**20<sup>TH</sup> MAY 2019**

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**CIVIL LITIGATION, ASSET RECOVERY & LEGAL SUPPORT DEPARTMENT  
COVERING 1<sup>ST</sup> JULY 2018 TO 20<sup>TH</sup> MAY 2019**

**RECOVERY CASES INSTITUTED, APPLICATIONS FOR PRESERVATION MADE  
AND RECOVERED ASSETS.**

**A. RECOVERY SUITS.**

The following suits were filed in the period under review:-

No	Ref No.	Court Case No. & Parties	Particulars Of The Case	Remarks	Value In Kshs.
1.	EACC/NBI/LS 55D	ACEC 16 OF 2018(O.S) EACC Vs Dr Salome Ludyeni & Sostenah Ogero Taracha	Originating Summons pursuant to Sec 55 of ACECA,2003(unexplained Assets)	The matter came up for further hearing of the Plaintiff's case on 8 <sup>th</sup> May 2019. Two witness testified.  Further Hearing on 12 <sup>th</sup> June 2019.	17,900,000
2.	EACC/NBI/LS 56D	ACEC 14 OF 2018 EACC –vs- Joseph Chege Gikonyo	Suit for recovery of unexplained Assets	Matter stayed pending hearing and determination of the Civil Appeal No. 454 of 2018. (An appeal from the Ruling of Hon. Lady Justice On'gudi delivered on 23/11/2018)	615,000,000
3.	EACC/NBI/LS 57D	ACEC 20 OF 2018(O.S) EACC –vs-Stephen Ogaga Osiro & Caroline Adhiambo Obwa	Suit for recovery of unexplained Assets	Further hearing of the Plaintiff's Case on 29 <sup>th</sup> May 2019.	330,233,096

4.	EACC/NBI/LS 59-D	ACEC 24 OF 2018 EACC –vs- Bob Kephas Otieno & others	Suit for recovery of monies against the defendants jointly & severally for kshs. 27,872,278	Pending before court.	27,872,278
5.	EACC/NBI/LS 60-D	ACEC 21 OF 2018 EACC –vs- Thomas Gitau Njogu & others	Suit for recovery of 111,681,931.98 being unexplained wealth	Finalized hearing on 8 <sup>th</sup> May 2019. Mention on 12 <sup>th</sup> <b>June 2019</b> to confirm compliance – filing of Submissions.	111,681,931.98
6.	EACC/NBI/LS 61-D	ACEC 32 OF 2018 EACC –vs- Jared Peter Oluoch Kwaga & 22 others & Yuda Otagi Ojuki & 5 others as interested parties	Suit for recovery of 1,971,179,180.20 allegedly acquired through corrupt Conduct from the county government of Migori by the defendants.	Defendant’s application to strike out suit and the Plaintiff’s application for injunction was argued on 13 <sup>th</sup> March 2019. Ruling to be on notice.	1,971,179,180.2 0
7.	EACC/NBI / LS 63-D	ELC No. 56 Of 2019 EACC Vs Zablon Agwata Mabea , IKM Place & Others	Suit for & Recovery of LR Number 209/6237, 12965 & 12966 along Bishops Road	Highlighting of submissions opposing variation/discharg ing preservation orders scheduled for <b>5<sup>th</sup> June, 2019</b>	500,000,000
8.	EACC /NBI/LS 341-C	ELC Kajiado Constitutional Petition 2 Of 2019.- EACC vs NLC & Others.	Petition seeking review of an award of compensation down by a sum of kshs.237,188,002.2 4 i.e. review from 923 million to 690 million touching on LR Ngong Ngong/15559 set aside for the SGR Project.	Matter came up on 10 <sup>th</sup> May 2019 for hearing of the Defendant’s application dated 18 <sup>th</sup> January 2019 to set aside interlocutory judgment. Application argued. Ruling	237,188,002.2 4

				reserved for 28 <sup>th</sup> June 2019	
9.		Nairobi ACEC Misc. No. 28 of 2018 EACC Vs Josephat Kimutai Kemei & 10 Others	Recovery of Kshs. 5,371,393.35 in restitution to County Government of West Pokot	Service of Summons upon 2 remaining defendants underway	5,371,393.35
10.		N/A MUTUA KILAKA	Suit for recovery of Machakos Municipality Block 1/624 reserved for Government housing	Land was surrendered by the allottee through a deed of surrender. Following up on cancellation of allotment letter and issue of a new title.	12,000,000
11.		N/A 15/2008) KACC-VS- Silas K. Mwaita & Flora Muyesi	Suit for recovery of LR Machakos Municipality Block 1/717 reserved for Machakos Prison	Mention for directions on <b>17/06/2019</b>	Not Valued
12.	EACC/LS/217/ D	Mombasa ELC No. 247 of 2018-EACC – vs- John N. Gavacih & 10 others-	Recovery Suit of land reference no. Mombasa Municipality Block XXVI/748 filed on 22/10/2018.	Application for Injunction is pending determination.	Not valued
13.	EACC/LS/218/ D	Mombasa ELC No. 249 of 2018-EACC – vs- Lydia Bosibori Anyega & 4 others-	Recovery Suit of land reference No: MN/1/2397 belonging to KCAA filed on 24/10/2018	Preservation injunctive order was issued on 05/12/2018.	Kshs.51,000,000/-
14.	EACC/LS/220/ D	Mombasa ELC No. 445 of 2019-EACC – vs- Churchill Sande Oduor & 2 others-	Recovery suit following irregular procurement of privilege stickers at Mombasa County Assembly filed on 25/03/2019.		Kshs. 1,905,500.00/ =

15.	EACC/LS/2/	Mombasa ELC No. 88 of 2019-EACC – vs- Galerius Investments Limited & 4 others	Recovery suit of land reference No: Kwale/Diani Beach Block/1072 filed on 16/05/2019.	Application for injunction is pending determination.	Kshs. 30,000,000.00 / =
16.	EACC/NKR/LS/1-D	Nakuru - Civil Suit No. 812 of 2018. EACC -Vs Ezekiel Muiruri	Suit instituted to recover Kshs 4,000,000 owed to commission (IEBC) arising from monies illegally acquired	Hearing on 2nd September, 2019	Kshs 4,000,000
17.	EACC/NKR/LS/2-D	Nakuru - Civil Suit No. 813 of 2018 EACC -Vs Ezekiel Muiruri and Ann Njoki	Suit instituted to recover Kshs 7,000,000 owed to commission (IEBC) arising from monies illegally acquired	Hearing on 2nd September, 2019	Kshs. 25,000,000
18.	EACC/NKR/LS/4-D	Nakuru Misc. Application No. 6 of 2018 EACC –Vs- Kenneth Komen. Lynnette Rono, Rebecca Sang	Inquiry into allegation of irregular allocation of public land L.R NO. 631/1833 located at Kericho	Mark as settled on 27 <sup>th</sup> February, 2019	Kshs. 7,000,000
19.	EACC/NKR/LS/6-D	Nakuru – ELC No. 256 of 2018 EACC –Vs- Jacob Baiya & 2 Others	Allegation of irregular/illegal alienation of land parcel Nakuru Block 5/150	Hearing on 28 <sup>th</sup> May, 2019 for application. Pending determination of the matter before court	Kshs. 30,000,000
20.	EACC/NKR/LS/7-D	Nakuru - ELC No. 265 of 2018 EACC –Vs- Haroun N.K Mengech, & 5 Others	Allegation of irregular/illegal alienation of land parcel Nakuru Block 5/144	Hearing on 28 <sup>th</sup> May, 2019 for application. Pending determination of the matter before court	Kshs. 30,000,000
21.	EACC/NKR/LS/8-D	Nakuru – ELC No. 266 of 2018 EACC Vs William Kimaru, & 3 Others	Allegation of irregular/illegal alienation of land parcel Nakuru Block 5/149	Hearing on 28 <sup>th</sup> May, 2019 for application. Pending determination of the matter before court	Kshs. 30,000,000

22.	EACC/NKR/LS/ 9-D	Nakuru - ELC No. 267 of 2018 EACC Vs Noreen Sharif & 3 Others	Allegation of irregular/illegal alienation of land parcel Nakuru Block 5/147	Hearing on 28 <sup>th</sup> May, 2019 for application. Pending determination of the matter before court	Kshs. 30,000,000
<b>TOTAL VALUE</b>					Kshs. <b>4,067,331,381. 77</b>

## **B. PRESERVATION/INJUNCTION APPLICATIONS**

The following Injunction/ Preservations Applications were filed in the period under review:-

<b>N o.</b>	<b>Court Case No.</b>	<b>Parties</b>	<b>Particulars of the case</b>	<b>Current status &amp;</b>	<b>Value in Kshs.</b>
1.	MISC. ELC 169 OF 2018	EACC –vs- United Care Ltd & Swing Ltd	An application seeking preservation of LR 209/20791 land belonging to the Meteorological Department.	Preservation Order issued.	Not Valued
2.	ACEC MISC. 48 OF 2018	EACC –vs- Andrew Biketi Musuya T/A Mukuyu Petroleum Dealers	An application under section 56 of ACECA seeking to preserve Kshs. 14,314,824.	Initial Preservation Orders granted on 24/10/2018 lapsed on 24/04/2019. Preservation orders were extended to <b>24<sup>th</sup> June 2019.</b>	15,314,824
3.	ACEC 16 OF 2018(O.S)	EACC vs Dr. Salome Ludenyi & Sostenah Ogero	Application for injunction pursuant to Sec 55 of ACECA,2003 (unexplained Assets)	Preservation Order issued.	17,900,000

		Taracha			
4.	ACEC 14 OF 2018	EACC –vs- Joseph Chege Gikonyo	Application for injunction on unexplained Assets	Preservation Order issued.	615,000,000
5.	ACEC 20 OF 2018(O.S)	EACC –vs- Stephen Ogaga Osiro & Caroline Adhiamb o Obwa	Application for injunction on unexplained Assets	Preservation Order issued.	330,233,096
6.	ACEC 21 OF 2018(O.S)	EACC –vs- Thomas Gitau Njogu & 4 others	Application for injunction and recovery of 111,681,931.98 being unexplained wealth.	Preservation Order issued.	111,681,931.98
7.	ACEC 24 OF 2018	EACC –vs- Bob Kephas Otieno & Others.	Application for injunction on unexplained assets and recovery of monies against the defendants jointly & severally for kshs. 27,872,278.	Preservation Order issued.	27,872,278
8.	ACEC 32 OF 2018	EACC –vs- Jared Peter Oluoch Kwaga & 22 Others & Yuda Otagi Ojuki & 5 Others As	Application for injunction and recovery of 1,971,179,180.20 allegedly acquired through corrupt Conduct from the county government of	Preservation Order issued.	1,971,179,180.20



		Interested Parties	Migori by the defendants.		
9.	ACEC MISC. Application 4 Of 2019	EACC vs Sachdeva, Nabhan & Swaleh Advocates & others.	An application for preservation of Monies held in account No. 3000103597 at Prime Bank Ltd Mombasa in the Name of Sachdeva, Nabhan & Swaleh Advocates Client A/C	Preservation Order issued. Highlighting of submissions opposing variation/discharging preservation orders scheduled for <b>5<sup>th</sup> June, 2019</b>	3,500,000
10.	ELC No. 56 Of 2019	EACC Vs Zablun Agwata Mabea , IKM Place & Others	An application for preservation/injunction on LR Number 209/6237, 12965 & 12966 along Bishops Road	Injunction/Preservation Order issued. Hearing of the 2 <sup>nd</sup> and 3 <sup>rd</sup> Respondents' applications seeking variation of the injunction order scheduled for <b>13<sup>th</sup> June 2019</b>	500,000,000
11.	ACEC Misc. No. 13 of 2019	EACC-vs- Moses Lenolkulal & Oryx Petrol Station	An application for preservation of LR. No. 2259/744, LR. No. 2259/745, LR. No. 2259/749 and LR. No. 2259/750, properties suspected to have been corruptly acquired by the Governor of the County Government of Samburu	Preservation orders issued on 5 <sup>th</sup> March 2019.	60,000,000

12.	ACEC Misc. No. 15 of 2019	EACC-vs- Moses Lenolkulal & Oryx Petrol Station	An application to preserve funds held in various accounts domiciled at the Kenya Commercial Bank Limited	Preservation orders issued on 25 <sup>th</sup> March 2019. Application to discharge /vary orders scheduled for hearing on <b>12<sup>th</sup> June 2019</b>	14,600,000
13.	ACEC Misc. No. 18 of 2019	EACC-vs- Tornado Carriers Limited & 2 Others	An application freezing monies held in bank accounts domiciled at the NIC Bank vide Inquiry No. EACC/AT/INQ/60/2018 (allegations of illicit payment made to officials of the National Land Commission in return for facilitating irregular compensation for acquisition of land to expand by-pass road on behalf of KENHA)	Preservation orders issued on 29 <sup>th</sup> March 2019.	54,000,000
14.	ACEC Misc. 5 of 2019	EACC -v- Daayo Constructi on & Others	Frozen 2 accounts and seized 1 motor vehicle valued at Kshs. 12 Million. (Garissa Office)		12,000,000
15.	Machakos Misc. App No. 182 of 2018	EACC – Vs- Joseph Mutundu Muia, Family Bank	An application for orders under section 56 of ACECA to prohibit transfers, disposal or any other dealings for Machakos	Orders extended to 4/06/2019	15, 000,000

		(Interested Party)	Municipality Block 1/623		
16.	Mombasa ELC No. 145 of 2018- [EACC/LS/212 /D].	EACC –vs- Ann Wanjiku & 4 others-	Preservation injunctive orders on land reference No: MN/1/9776 (road reserve at Nyali area within Mombasa County).	Injunctive orders were was issued on 02/10/2018	Kshs.18,000,000/=
17.	Mombasa ELC No. 146 of 2018 [EACC/LS/213 /D].	EACC –vs- Mehasani Hatibu Mwinyiha ji & Another-	Preservation injunctive orders over land reference No: MN/1/12425	Injunctive orders were was issued on 02/10/2018	Kshs. 70,000,000.00 /=-
<b>TOTAL VALUE</b>					<b>3,836,281,310.18</b>

## C. RECOVERED ASSETS

### I. 2<sup>ND</sup> QUARTERLY REPORT ON RECOVERED ASSETS

RECOVERIES FOR 2<sup>ND</sup> QUARTER FROM 1<sup>ST</sup> OCTOBER 2018 TO 31<sup>ST</sup> DECEMBER 2018

#### **Recovered Public Assets**

Asset recovered through court proceedings and out-of-court settlements as shown below.

The Commission recovered public assets amounting to a total of **Kshs. 151,000,000** during the period under review:-

LAND/IMMOVABLE PROPERTIES			
S/No.	Asset	Institution recovered for	Estimated value (Kshs)
1.	Kericho / Sotik 364	County Government of Bomet (Sotik Stadium)	2,000,000
2.	MN/1/VI/2406	Kenya Civil Aviation Authority	45,000,000

3.	Kwale /Kinondo Chale /135	Kenya Wildlife Service ( Reserved for Marine National Reserve/ Sacred Grove)	20,000,000
4.	Kwale /Kinondo Chale /130	Kenya Wildlife Service ( Reserved for Marine National Reserve/ Sacred Grove)	20,000,000
5.	Kwale /Kinondo Chale /102	Kenya Wildlife Service ( Reserved for Marine National Reserve/ Sacred Grove)	20,000,000
6.	Kwale /Kinondo Chale /99	Kenya Wildlife Service ( Reserved for Marine National Reserve/ Sacred Grove)	20,000,000
7.	Kwale /Kinondo Chale /100	Kenya Wildlife Service ( Reserved for Marine National Reserve/ Sacred Grove)	20,000,000
8.	Lewa Settlement Scheme 719- Isiolo	Meru County Government	4,000,000
<b>TOTAL VALUE OF ASSETS RECOVERED</b>			<b>151,000,000</b>

## II. 3<sup>RD</sup> QUARTER REPORT FROM 1<sup>ST</sup> JANUARY 2019 TO 31<sup>ST</sup> MARCH 2019

The Commission recovered public assets amounting to a total of Kshs. 2,733,472,655 during the period under review:-

### CASH.

S/No.	Institution Recovered For	Recovered From	Estimated value (Kshs)
1.	Cash Deposit/Unexplained Asset	Appropriation In Aid (AIA)	941,000.00
2.	Cash Deposit	Costs as ordered by the court in Kitale ELC 46/2010 KACC vs Wilson Gachanja & 2 others	30,000.00
3.	Cash Deposit/Restitution of unexplained Assets	Dan Okoth (for and on behalf of Bungoma Treasury)  BUNGOMA CMCC No. 473 of 2007 – KACC –VS- Dan O. Okoth – Judgement delivered	2,000,000

		on 27 <sup>th</sup> November, 2008 at Kshs. 5,082,806.10.	
4.	Cash Deposit	EACC/ELD/AT/INQ/15/2018 Inquiry into irregular award of Owner Occupier Allowance by employees of the County Assembly of Nandi:	901,655
<b>TOTAL</b>			<b>3,872,655</b>

<b>LAND/IMMOVABLE PROPERTIES</b>			
<b>S/No.</b>	<b>Asset</b>	<b>Institution recovered for</b>	<b>Estimated value (Kshs)</b>
9.	Kericho / Sotik 553	County Government of Bomet (Sotik Stadium)	2,400,000
10.	Malindi LR 7547	Government of Kenya Pool Housing Malindi	35,000,000
11.	MN/1/VI/2406	Kenya Civil Aviation Authority	45,000,000
12.	Meru Municipality Block 1/319	Meru County Government	30,000,000
13.	Landed property L.R No. 1/534 I.R. 112612	University of Nairobi.	2, 000,000,000
14.	Eldoret Municipality Block 15/1743.	County Government of Uasin Gishu	40,000,000
15.	Kisumu/Municipality Block 7/474 (KISUMU ELC NO. 708 OF 2015 – KACC VS ONLINE ENTERPRISES & 4 OTHERS Judgement in favour of the Commission on 25 <sup>th</sup> January, 2019)	Kenya Railways Corporation	30,000,000
16.	Naivasha Mun. LR No. 5211/7	KALRO	420,000,000
17.	Nakuru Mun. Block 4/226	Housing	13,200,000
18.	Nakuru Mun. Block 4/227	Housing	13,000,000
19.	Nakuru Mun. Block 4/228	Housing	13,000,000
20.	Nakuru Mun. Block 5/246	Housing	30,000,000

21.	Nakuru Mun. Block 13/245	Survey	20,000,000
22.	Nakuru Mun. Block 13/246	Survey	22,000,000
23.	Nakuru Mun. Block 15/942	Muslim public school	8,000,000
24.	Nakuru Mun. Block 15/943	Muslim public school	8,000,000
<b>SUB –TOTAL</b>			<b>2,729,600,000</b>
<b>TOTAL VALUE OF ASSETS RECOVERED</b>			<b>2,733,472,655</b>

### III. 4<sup>TH</sup> QUARTERLY REPORT FROM 1<sup>ST</sup> APRIL TO 20<sup>TH</sup> MAY 2019

Thus far, Commission has recovered public assets amounting to a total of Kshs. 340,000,000/=

<b>LAND/IMMOVABLE PROPERTIES</b>			
<b>S/No.</b>	<b>Asset</b>	<b>Institution recovered for</b>	<b>Estimated value (Kshs)</b>
1.	Eldoret Block 4/129, 52,53,54 and 55 (Eldoret ELC Case No. 46 of 2017 KACC-vs- Lima Limited & Another	Judiciary, County Government of Uasin Gishu and Administration Police	140,000,000
2.	<b>KISUMU BLOCK 8/22</b>  (KISUMU ELC NO. 474 OF 2015 – KACC VS CHARLES OYOO KANYANGI & 5 OTHERS Judgement delivered on 21 <sup>st</sup> March, 2019 in favour of the Commission.)	Judiciary	200,000,000
<b>SUB –TOTAL</b>			<b>Kshs. 340,000,000</b>