

THE KENYA POLICE
CHARGE SHEET

POLICE CASE NO141/37/2008

DATE TO COURT:

O.B.NO.

COURT FILE NO:

Christian names in full or names	Surname or Fathers Name	Identity	Sex	Nationality	Age	Address
1. DR. SHEM ODONGO	OCHUODHO		MALE	Kenyan	Adult	
2. MAURICE	DANTAS		MALE	Kenyan	Adult	
3. JOHN GICHIA	MACHARIA		MALE	Kenyan	Adult	
4. TERRY KIARIE	WIJENJE		FEMALE	Kenyan	Adult	
5. TRIPLE A CAPITAL LIMITED						
CHARGE COUNT ONE	CONSPIRACY TO DEFRAUD CONTRARY TO SECTION 317 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA					
PARTICULARS OF OFFENCE (See Second Schedule of CPC.)	<p>1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS 3. JOHN GICHIA MACHARIA 4. JANICE THERESIA WANJIKU KIARIE alias TERRY WIJENJE: On diverse dates between the month of May 2003 and July 2004 in Nairobi within Nairobi Province, as Managing Director of Kenya Pipeline Company Limited (KPC), Chairman of the Board of Directors of KPC and Directors of Triple A Capital Limited respectively, jointly conspired to defraud Kenya Pipeline Company Limited (KPC) of Kshs. 827,564,608.20 by entering into a refinancing arrangement which required KPC to pay Triple A Capital Limited credit charges amounting to Kshs 827,564,608.20 on account of Triple A Capital Limited paying KPC's International Creditors amounts owed by KPC, whereas Triple A Capital Limited had no money to pay the said creditors.</p> <p>(FOR OTHER COUNTS, SEE ATTACHED SHEET)</p>					
If Accused Arrested	Date of Arrest	Without/With Warrant	Date App. to Court.	Bond or Bail And Amount	Is Application for Summons to issue	
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Remanded or Adjourned						
Complainant and Address	REPUBLIC OF KENYA THROUGH KENYA ANTICORRUPTION COMMISSION.					
Witnesses	1. CATHERINE N. KAMURA 2. CALEB MANYAGA 3. GEORGE OKUNGU			4. CHARLES M. MUSAU 5. OTHERS TO BE STATED		
Sentence Court and date ANTI-CORRUPTION COURT NAIROBI.....If fine paid.....					

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Officer in charge KILIMANI Police Station

POLICE 5

INVESTIGATORS ACTION	Date	Time	Initials of recording Officer
Accused informed of Charge,			
Fingerprints Taken by			
Fingerprints to Bureau			
Fingerprints from Bureau			
Completed certificate of previous convictions to Bureau			
First Information and progress Report to Director KACC			
Final report to Director KACC			
Charge Register Completed and case closed			
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2. ANTECEDENTS OF ACCUSED (As known to Investigating Officer)

3. BRIEF CIRCUMSTANCES OF CASE (Evidence of Arrest, etc.)

COUNT 2

FRAUDULENT PAYMENT FROM PUBLIC REVENUE FOR SERVICES NOT RENDERED CONTRARY TO SECTION 45 (2) (a) (iii) AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 27TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director of Kenya Pipeline Company Ltd and Chairman of the Board of Directors of Kenya Pipeline Company Ltd respectively, and whose functions concerned the administration of public property, jointly and fraudulently instructed the Standard Chartered Bank Kenya Ltd to pay Triple A Capital Ltd Kshs 1,250,577,549 from KPC's account, purporting it to be a refund on account of Triple A Capital Ltd having paid a similar sum to KPC's international creditor, Export Development Canada (EDC), yet no such payment had been made by Triple A Capital Ltd for and on behalf of KPC to EDC.

COUNT 3

FRAUDULENT PAYMENT FROM PUBLIC REVENUE FOR SERVICES NOT RENDERED CONTRARY TO SECTION 45 (2) (a) (iii) AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 28TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director of Kenya Pipeline Company Ltd (KPC) and Chairman of the Board of Directors of Kenya Pipeline Company Ltd respectively, and whose functions concerned the administration of public property, jointly and fraudulently instructed the Standard Chartered Bank Kenya Ltd to pay Triple A Capital Ltd Kshs 397, 699, 893 from KPC's account, purporting it to be a refund on account of Triple A Capital Ltd having paid a similar sum to KPC's international creditor, Japan Bank for International Co-operation (JBIC), yet no such payment had been made by Triple A Capital Ltd for and on behalf of KPC to JBIC.

COUNT 4

ABUSE OF OFFICE CONTRARY TO SECTION 46 AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 29TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director Kenya Pipeline Company Ltd (KPC) and Chairman of

the Board of Directors of Kenya Pipeline Company Ltd respectively, jointly used their respective offices to improperly confer a benefit of Kshs 99,045,774 on Triple A Capital Limited by signing a Deed of Assignment of Debt on behalf of Kenya Pipeline Company Ltd (KPC), which Deed assigned a debt of USD 15, 439, 228.54 owed by KPC to Export Development Canada (EDC) to Triple A Capital Ltd and fraudulently failed to include an agreed moratorium on interest for the first twelve months, leading to payment of interest to Triple A Capital Ltd amounting to Kshs 99,045, 744.

COUNT 5

ABUSE OF OFFICE CONTRARY TO SECTION 46 AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 29TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director Kenya Pipeline Company Ltd (KPC) and Chairman of the Board of Directors of Kenya Pipeline Company Ltd respectively, jointly used their respective offices to improperly confer a benefit of Kshs 31,497, 834 on Triple A Capital Limited by signing a Deed of Assignment of Debt on behalf of Kenya Pipeline Company Ltd (KPC), which Deed assigned a debt of JPY 457,126313 owed by KPC to Japan Bank for International Cooperation (JBIC) to Triple A Capital Ltd and fraudulently failed to include an agreed moratorium on interest for the first twelve months, leading to payment of interest to Triple A Capital Ltd amounting to Kshs. 31,497,834.

COUNT 6

ABUSE OF OFFICE CONTRARY TO SECTION 46 AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 29TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director Kenya Pipeline Company Ltd (KPC) and Chairman of the Board of Directors of Kenya Pipeline Company Ltd respectively, jointly used their respective offices to improperly confer a benefit of Kshs 1, 704, 874 to Triple A Capital Limited by signing a Deed of Assignment of Debt on behalf of Kenya Pipeline Company Ltd (KPC), which Deed assigned a debt of USD 854,446 and JPY 15,239,704.00 and Kshs 11,418, 048.60 owed by KPC to JFE Engineering to Triple A Capital Ltd and fraudulently failed to include an agreed moratorium on interest for the first twelve months, leading to payment of interest to Triple A Capital Ltd amounting to Kshs 1, 704, 874.

COUNT 7

ABUSE OF OFFICE CONTRARY TO SECTION 46 AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. DR. SHEM ODONGO OCHUODHO 2. MAURICE DANTAS: On 29TH December 2003 in Nairobi within Nairobi Province, being persons employed in the public service to wit, Managing Director Kenya Pipeline Company Ltd (KPC) and Chairman of the Board of Directors of Kenya Pipeline Company Ltd respectively, jointly used their respective offices to improperly confer a benefit of Kshs 1, 240, 852 to Triple A Capital Limited by signing a Deed of Assignment of Debt on behalf of Kenya Pipeline Company Ltd (KPC), which Deed assigned a debt of STG Pounds 894,146.45 owed by KPC to Export Development Canada (EDC) to Triple A Capital Ltd and fraudulently failed to include an agreed moratorium on interest for the first twelve months, leading to payment of interest to Triple A Capital Ltd amounting to Kshs 1, 240,852.

COUNT 8

FRAUDULENT ACQUISITION OF PUBLIC PROPERTY CONTRARY TO SECTION 45 (1) (a) AS READ WITH SECTION 48 OF THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT, NO.3 OF 2003.

PARTICULARS OF THE OFFENCE

1. JOHN GICHIA MACHARIA 3. JANICE THERESIA WANJIKU KIARIE alias TERRY WIJENJE 3. TRIPLE A CAPITAL LIMITED: On 31STDecember 2003 in Nairobi within Nairobi Province, being Directors of Triple A Company Limited, and a Limited Liability Company duly registered in Kenya respectively, jointly and fraudulently acquired a public property to wit a sum of Kshs 1, 691, 791, 968 by purporting that they had paid off debts owed by Kenya Pipeline Company Ltd (KPC) to its creditors, Export Development Canada (EDC) and Japan Bank for International Cooperation (JBIC) under a refinance agreement, yet no such payments had been made by Triple A Capital Ltd for and on behalf of KPC to EDC and JBIC.

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Officer in charge..... Police Station