



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**H.C. CIVIL SUIT NO. 161 OF 1994**

**GEOFFREY NG'ANG'A ..... PLAINTIFF**  
**V E R S U S**  
**ATTORNEY GENERAL..... DEFENDANT**

**J U D G M E N T**

The plaintiff in this case claims damages for injuries sustained by him as a result of assault against him committed by Police officers on night of 15th and 16th January, 1993 along Nyamakima/River Road Nairobi.

The issues of competency of the suit and validity of the Statutory notice given on behalf of the plaintiff are determined by me in my Judgment in Nairobi H.C.C.S. No. 158 of 1994 which is amongst the cases consolidated by the court's order including the present one. I do not intend to reiterate my reasoning and observations made in the said Judgment except to find that the present suit is competent and is properly before this court.

The evidence of the plaintiff on record shows and proves that he was assaulted as claimed by the Police officers. He sustained injuries, which are specified by P.W.2, Dr. Samwel Gichunu Kuria. He produced his medical report and as per the said report he sustained:

- (1) Blunt injuries to his right arm and shoulder.
- (2) Deep cuts over the right skin.
- (3) Blunt injuries to the head.
- (4) Multiple cuts over the scalp
- (5) Blunt injuries to the left leg.

The plaintiff contends that a sum of Kshs.300,000/=

should be awarded to compensate him for pain, suffering and loss of amenities.

It is true that the plaintiff has suffered several injuries but most of them were the blunt injuries.

Considering all the relevant factors on hand I find that a sum of Kshs.200,000/= shall be adequate damages for pain, sufferings and damages to the plaintiff and I award the same.

For obvious reasons I do not award any special damages except Kshs.5000 in respect of attendance of P.W.2. I therefore give Judgment in the total sum of Kshs.2,05,000 with costs and interest.

Dated and delivered at Nairobi this 21st day of January, 2003.

**K. H. RAWAL**

**JUDGE.**