



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL APPEAL NO. 791 OF 1999**

**MARTIN M. MUGI.....PLAINTIFF**  
**-VERSUS-**  
**ATTORNEY GENERAL.....DEFENDANT**

**JUDGMENT**

The plaintiff has sued the Attorney General on behalf of Kenya Police for damages and injuries he received as a result of an accident for which he blamed the police. According to the doctor's reports the plaintiff suffered the following injuries.

- (1) A deep extensive cut on the face
- (2) A mild concussion
- (3) Generalised soft tissue injuries

Liability has been agreed by the parties at 100% against the defendant. A consent to this effect was filed in Court on 26.7.1999. For general damages as compensation for these injuries I award the sum of Shs.300,000/- as general damages. The doctor has suggested that the defendant will need to undergo cosmetic surgery which will cost Shs.100,000/- to reconstruct the facial scar. I accept that the plaintiff should be paid this sum.

As for special damages, I hold that the plaintiff is entitled to the sum of Shs.423,500/- which was the value of the vehicle less the salvage value. She is also entitled to the other specials which were proved so that the total amount payable as special damages is Shs.427,735/- There will therefore be judgment for the plaintiff as follows:

- (1) For general damages Shs.300,000/-
- (2) For special damages Shs.427,735/-
- (3) For future treatment Shs.100,000/-

Total Shs.727,735/-

The plaintiff shall be entitled to the cost of the suit together with interest.

**Delivered and dated at Nairobi this 24th day of January, 2000.**

**KASANGA MULWA**

**JUDGE**