

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW APPLICATION NO. E129 OF 2024

ELIAS MUTWIRI NKARI.....APPLICANT

-VERSUS-

THE PRINCIPAL SECRETARY, MINISTRY OF

AGRICULTURE, LIVESTOCK AND FISHERIES.....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. This matter is for mitigation and sentencing of the contemnor, Dr. Paul Kipronoh Ronoh, PS Ministry of Agriculture, Livestock & Fisheries after being found to be in willful and deliberate disobedience of this court's orders/decrees for mandamus, in this matter, issued on 26/3/2025 pursuant to the primary decree issued in Milimani CMCC 4360/2017.
2. The decree is a money decree for Kshs.1,313.096.47 issued on 8/2/2019 and has been pending ever since, despite demands by the decree holder applicant herein and service of the certificate of order Against the Government upon the Accounting Officer

as required by **Section 21 of the Government Proceedings Act.**

3. In the Replying affidavit sworn by the contemnor herein in response to the application for contempt of court, the contemnor annexed a letter dated 10/2/2025 seeking for additional funding from the National Treasury to enable him settle decrees for the financial year 2024/2025. There is no doubt that the financial year 2024/2025 ended on 30/6/2025 and that the 2025/2026 financial year is in its first half ending 31/12/2025.
4. There is no evidence that a request for the funding to settle the decree has been made or was budgeted for yet the judgment for mandamus was rendered on 26/3/2025. This is a clear manifestation that the contemnor accounting officer has never prioritized settlement of decrees of this court. Today, the contemnor is absent and is said to be engaged in official duties, with farmers in Kericho.
5. This court has twice since morning placed aside the file to allow his counsel reach him so that he can spare a moment with the court, virtually without any compulsion. The contemnor is a

Senior State Officer and Public Servant and I am sure he knows the necessity of heading to court orders especially as far as appearances are concerned.

6. Both his Counsel, Ms. Bidali & Ms. Gathenya indicate that they are unable to trace him meaning, he is completely out of site and reach to them and for the court, despite knowledge that he is to appear in court today and he was even served to appear as per the affidavit of service sworn on 2/12/2025 by Jonathan Mutisya.
7. The contemnor's Counsel seek more time as they pursue a reallocation of funds to settle the decree and for the Permanent Secretary to appear as directed by the court.
8. I have considered the submissions by all Counsel with Mr. Kisia for the applicant seeking that the court proceeds to sentence the contemnor for failing to appear in court. I however note that this is the first time that the contemnor has been asked to attend court and because the court gave him every opportunity to attend court today but he was unavailable, for that reason, I make the following orders:

1. Summons do issue to the Permanent Secretary, Dr.

Paul Kipronoh Ronoh the Accounting Officer and Permanent Secretary, Ministry of Agriculture, Livestock, Fisheries & Co-operatives, to appear in court personally on 22/1/2026 to show cause why he cannot be sentenced for brazenly disobeying court orders for mandamus and for failing to attend court today.

2. I so order.

Dated, Signed and Delivered at Nairobi this 19th Day of December, 2025

**R.E. ABURILI
JUDGE**