



REPUBLIC OF KENYA



**RCC v Ruto & another (Civil Case E007 of 2024)
[2025] KEHC 11541 (KLR) (4 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 11541 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CIVIL CASE E007 OF 2024
RN NYAKUNDI, J
AUGUST 4, 2025**

BETWEEN

RCC PLAINTIFF

AND

HON. WILLIAM SAMOEI RUTO 1ST DEFENDANT

HON. ATTORNEY GENERAL 2ND DEFENDANT

RULING

1. Before this court for determination is a Notice of Motion application dated 19th day of February 2025 where the Applicant is seeking the following orders:
 - a. Spent.
 - b. That the Plaintiff is seeking orders to allow her to release her original documents from several different Government department offices also claiming the damages for the list of damaged documents and others.
2. The Application is based on the following grounds among others;
 - a. That this Honourable Court may be pleased to issue an order for the release of various original documents held in several government departments.
 - b. That this Honourable Court be informed that the Applicant had deposited her original documents at the bank for safekeeping during the time she was carrying out official duties.
 - c. That it is very difficult to manage or replace the lost original documents, and she pray that the interest of justice may prevail in this matter.



- d. That having been kidnapped in such a manner, it is not easy for her to understand or resolve the situation her own, and she therefore plead with this Honourable Court to issue appropriate orders to address the matter.
 - e. That as a result of physical torture, she is suffering from health complications, and it is difficult to resolve the matter without proper medical treatment, which she fear may lead to brain-related problems. She thus seeks the Court's intervention.
3. The Application is supported by the annexed affidavit sworn by the Applicant which can be summarized as follows;
- a. That I respectfully pray this Honourable Court to direct the 1st Respondent to address the following issues that have significantly affected me, the Plaintiff.
 - b. That this Honourable Court will achieve the ends of justice by issuing appropriate orders, as I seek legal recourse for the injustices I have suffered.
 - c. That I was carrying my original documents in my bag for safekeeping, but unfortunately, they were damaged or destroyed.
 - d. That I pray this Honourable Court to order the replacement of two of my permanent incisor teeth which I lost as a result of the events that befell me.
 - e. That I am currently unable to produce several original documents which are required by different government offices.
 - f. That the cost of replacing these documents requires contributions from various individuals, and I pray that the Court may assist by directing that such support be facilitated until all documents are recovered or replaced.
 - g. That I request the Court to direct the 1st Respondent to assist in addressing the above issues, including any financial responsibilities, as I am now willing and able to work and resolve the problems with their support.
 - h. That I am experiencing severe mental health challenges, including auditory hallucinations, and I sometimes quarrel with myself in public, which has led to social isolation and confusion.
4. The Application was accompanied by a plaint in which the Applicant pleaded as follows:
- a. That the Plaintiff has not authorized or agreed to the transfer, issuance, or use of any of her certificates or documents by any government or third party, whether local or international.
 - b. That the Plaintiff has been left in a state of poverty and distress as a result of the actions or omissions of the 1st Defendant, which were carried out without her consent.
 - c. That this plaint is filed in both English and Kiswahili, as required, and is presented to this Honourable Court in pursuit of justice.
 - d. That the 2nd Defendant has caused confusion and misrepresentation in matters relating to the Plaintiff, including associating the Plaintiff's name with public office or the presidency without her knowledge or consent.
 - e. That the Plaintiff is being monitored or followed by unidentified individuals, allegedly from foreign nations, who have approached her with false claims, including promises of leadership or appointments not initiated by her.



- f. That she has been harassed, detained, and subjected to harmful practices, including psychological and physical abuse, with no adequate protection or support from relevant government institutions.
- g. That on 6th June 2023, the Plaintiff was allegedly abducted by foreign nationals, unlawfully detained, and denied her right to liberty contrary to Article 29 of *the Constitution*.
- h. That the Plaintiff seeks justice under Article 48 of *the Constitution*, having exhausted attempts to resolve her grievances through other government channels.
- i. That the Plaintiff's health has deteriorated, and she is unable to enjoy a normal life due to persistent psychological and physical trauma.

Particulars of illegality and breach of insurance laws on the part of life Assurance company

- a. That the life assurance company has failed to provide a full investment portfolio of the Plaintiff's insurance premiums and has not issued any returns or updates on her policy.
- b. That despite making several inquiries, the Plaintiff has not received meaningful support from the company or relevant offices.
- c. That the Plaintiff avers she was misled into opening a bank account at KCB and has faced threats and physical harm, including claims of bodily violation, for which she seeks protection and accountability.

- 5. Reasons wherefore the plaintiff prayed for judgment to be entered as against the 1st defendant for;
 - a. A declaration against the misuse of her name, image, and association with the flag and shield of the Republic of Kenya without her consent.
 - b. General damages for breach of dignity, unlawful detention, and physical and mental harm.
 - c. Interest on damages and loss suffered over a period exceeding 10 years, including the current year, 2024.
 - d. An order directing restitution and compensation for the health and property losses suffered due to the acts of the Defendants.
 - e. Costs of this suit and any other relief this Honourable Court may deem just and fit to grant.

Decision

- 6. On 2nd April 2025 a ruling by this court was delivered with the following declarations:
 - a. The 1st Defendant herein, H.E. William Samoei Ruto, P.H.D, CGH, who is the President of the Republic of Kenya and Commander in Chief (CIC) of the Kenya Defense Forces be and is hereby struck off as a party in this cause.
 - b. The suit shall proceed with the plaintiff prosecuting the matter as against the Hon. Attorney General as the primary Defendant.
 - c. The status conference shall be held on 20.3.2025 for further directions
 - d. The costs shall be in cause



7. Thereafter on 29th July 2025 during a status conference to hear and determine the plaint, an oral application was made by the plaintiff to have the entire suit withdrawn. What does the law say in this matter? The provisions of Order 25 of the Civil Procedure Rules 2010 kicks in as follows:

SUBPARA 1.

At any time before the setting down of the suit for hearing the plaintiff may be notice in writing, which shall be served on all parties, wholly discontinue his suit against all or any of the defendants or may withdraw any part of his claim, and such discontinuance or withdrawal shall not be a defence to any subsequent action.

SUBPARA 2.

SUBPARA (1)

Where a suit has been set down for hearing it may be discontinued, or any part of the claim withdrawn, upon the filling of a written consent signed by all the parties.

SUBPARA (2)

Where the suit has been down for hearing the court may grant the plaintiff leave to discontinue his suit or to withdraw any part of his claim upon such terms as to costs, the filling of any suit, and otherwise, as are just.

PARA 3.

The provisions of this rule and rule 1 shall apply to counterclaims.

8. The provisions of Order 25 have been elucidated by the Court of Appeal in Beijing Industrial Designing and Researching Institute Vs Lagoon Development Limited [2015] eKLR where the court expressed itself thus:

“The above provision presents three clear scenarios regarding discontinuance of suits or withdrawal of claims. The first scenarios arise where the suit has not been set down for hearing. In such instance, the plaintiffs are at liberty, at any time, to discontinue the suit or to withdraw the claim or any part thereof. All that is required of the plaintiff is to give notice in writing to that effect and serve it upon the all the parties. In that scenario, the plaintiff has an absolute right to withdraw his suit, which we agree cannot be curtailed. The second scenario arises where the suit has been set down for hearing. In such a case, the suit may be discontinued or the claim or any part thereof withdrawn by all parties signing and filling a written consent. In this scenario, the right of the plaintiff is circumscribed by the requirement that he must obtain the written consent of all the other parties. The last scenario arises where the suit has been set down for hearing but all the parties have not reached a consent on discontinuance of the suit or withdrawal of the claim or any part thereof. In such eventuality, the plaintiff must obtain leave of the court to discontinue the suit or to withdraw the claim or any part thereof, which is granted upon such terms as are just. In this scenario too, the plaintiff’s right to discontinue his suit is circumscribed by the requirement that he must obtain the leave of the court. That such leave is granted on terms suggests that it is not a mere formality”. (Underlining supplied)

9. For the foregoing reasons and in accordance with the principles of law, this suit be marked as withdrawn, subject to the condition that the Attorney General acts as an intermediary to secure any medical records that may be in the possession of the MTRH Psychiatric Unit.



GIVEN UNDER MY HAND AND SEAL OF THIS COURT THIS 4TH AUGUST 2025

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R. NYAKUNDI
JUDGE

