Plaint for Newspaper Libel from a Photograph and Criminal Imputation

Educational sample 201 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI CIVIL DIVISION

CIVIL SUIT NO [correct reference]

[PLAINTIFF] v [DEFENDANT]

PLAINT

1. The Plaintiff is [identity and address for service]. The Defendant is [publishing company and service address]. The publications circulated in [proved area]; the Plaintiff relies on [jurisdictional facts]. The dates of publication and commencement of this action are [dates]. Related proceedings are [disclose accurately].

2. The Defendant published two newspaper reports on [first date] and [second date]. The first identified the Plaintiff in connection with a drug investigation; the second placed the Plaintiff photograph beside allegations about other persons. The exact words, photographs, captions, pages and editions are [set out and attach].

3. Read together, the material conveyed that the Plaintiff was implicated in criminal drug activity. That allegation is denied. The ordinary meaning relied on is [precise meaning]. If a different meaning depends on facts known to particular readers, those facts and readers are [particularise].

4. Particulars of malice are publication without verifying the alleged personal connection, failure to seek the Plaintiff response, and repetition after receipt of an apology demand on [proved date]. Each allegation is supported by [identified record or witness]. No employee is sued personally merely because of a job title.

5. The Plaintiff seeks general damages, exemplary or aggravated damages on the separately pleaded basis, costs and lawful interest. Any special damage is [precise loss and proof, or none]. Any restraint sought is confined to [specific unlawful statement]; the Plaintiff does not seek a ban on every future report.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Complete parties, service details, jurisdiction, limitation, related proceedings, material facts, particulars and exact prayers. Check Orders 3 and 4 and the required verifying affidavit, witness statements, document list and copies. Special damages need specific pleading and proof; fraud needs particularization under Order 2 rule 10. This core specimen is not the whole filing pack. Court fee, summons and service must be completed under current directions. Apply Order 2 rule 7 where relevant, and check the twelve-month limitation for libel or slander under section 4(2). Exact words and complete publication evidence must replace bracket fields. These historical publications do not permit a fresh claim now.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A public figure challenged two December 2004 newspaper reports associating him with a drug investigation. A later report placed his photograph beside allegations concerning other persons. The publisher pleaded truth and fair comment but called no witness. A reader testified; the claimant denied involvement and relied on an unanswered apology demand.

The publisher alone was held liable: KSh 7 million general and KSh 1 million exemplary damages. Special damages were nil; the broad permanent-injunction prayer was denied. Interest began 45 days after judgment. Personal involvement of the two employee defendants was not proved. The requested KSh 15 million and KSh 3 million were not the awards.

Meaning must be assessed from the whole publication, including an image and caption. Pleading truth or public interest is not proof of the defamatory imputation. Order 2 rule 7 governs special meaning, justification and particulars of malice. Defamation limitation requires separate attention under section 4(2) of the Limitation of Actions Act. Neither a damages tariff nor unrestricted censorship follows from this judgment.

[2025] KEHC 3825 (KLR) — 27 March 2025. Original judgment: https://sheriahub.com/cases/ke/caselaw/mwau-v-standard-limited-2-others-2025-kehc-3825-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.