



**Shakue v Republic (Criminal Appeal E037 of 2022)
[2023] KEHC 21778 (KLR) (30 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21778 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
CRIMINAL APPEAL E037 OF 2022
DKN MAGARE, J
AUGUST 30, 2023**

BETWEEN

SHAKUE ATHMAN SHAKUE APPELLANT

AND

REPUBLIC RESPONDENT

(Being an appeal from the Judgement of the Chief Magistrates Court at Malindi by Honourable D.Wasike – Senior Resident Magistrate delivered on 18th February, 2021 in Malindi Criminal Case S.O No.18 of 2016 Republic-vs-Shakue Athman Shakue)

RULING

CORAM: Hon. Justice D.K.Magare

Appellant in person

Mr Nyoro for the State

1. This matter came up for hearing today. The respondent did not turn up. The Prosecutor prayed to withdraw the Appeal as the trial court was correct. I have equally perused the court file. I note that there are contradictions. The minor witness stated that she did not see the blood but the father told her to say she did. With these kind of holes, the prosecution case was doomed from the word go.

The respondent should not have even been put to his defence.

2. In the circumstances the application to withdraw is merited. I allow the same. The appeal is marked as withdrawn. This file is closed.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 30TH DAY OF AUGUST, 2023

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D.K. MAGARE



JUDGE

