



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E082 OF 2021**

**CORAM: HON. R.E. ABURILI, J**

**REPUBLIC.....APPLICANT**

**VERSUS**

**ANGELA AKUMU SEWE.....RESPONDENT**

*(Being an Application for leave to appeal out of time from*

*acquittal in Siaya Principal Magistrate Court Cr. Case No. 321*

*of 2020 on 30.3.2021 by Hon. J. O. Ongondo, Senior Principal Magistrate)*

**RULING**

1. The applicant in this matter is the ODPD seeking leave to appeal out of time. At the hearing of the application, Ms Nambisia Prosecution Counsel sought to withdraw the application. The “application” before court is fatally and incurably incompetent. It is neither signed nor the “supporting affidavit” sworn before any commissioner of Oaths or Magistrate.

2. It is hereby struck out as there is nothing capable of being withdrawn.

3. File closed.

4. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 30<sup>TH</sup> DAY OF JUNE 2021**

**R.E. ABURILI**

**JUDGE**