

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. 55 OF 2016

(ROBBERY WITH VIOLENCE)

(CORAM: R. E. ABURILI - J.)

FRANCIS MUTUKU MUSYOKA....APPELLANT

VS

REPUBLIC.....RESPONDENT

(Being an Appeal against both the Conviction and Sentence dated 19.05.2016 in Criminal Case No. 48 of 2014 in Siaya Law Court before Hon. H. Wandere – P.M.)

RULING

1. The appeal was filed on 23/5/2016. The Appellant was serving death sentence imposed on him and his co-accused/convict in Siaya PM Cr. C. No 48/2014 where they were convicted for the offence of Robbery with Violence.
2. He filed this appeal and instead of prosecuting it to the end, he escaped from lawful custody.
3. He is not ready to prosecute the appeal and as he is not here to do so, the only prudent thing for this Court to do is to dismiss his appeal for non-attendance to prosecute. The Appellant to be traced, arrested and detained to continue serving the sentence that was lawfully imposed on him by the Trial Magistrate.

Delivered in open court at Siaya this 13th day of June 2018.

R. E. ABURILI

JUDGE

In the presence of:

Appellant – Absent

M/s Odumba; for State

Court Assistants:

1. Laban Odhiambo
2. Brenda A. Ochieng