

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL APPEAL NO. 32 OF 2011

WYCLIFFE ONIANGO KHAEMBA APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

Though learned Prosecuting Counsel Ms Opiyo has informed the court that the file be closed because the appellant was released from prison on 21/11/2012, such release from prison custody does not result in abatement of his appeal. See Section 360 of the Criminal Procedure Code (Cap. 75).

There is no evidence on record that the appellant was served with a notice for hearing of his appeal. From the information in the charge sheet, he comes from Emusutswi village, Bunyore Location, Vihiga District.

I therefore order as follows –

1. The Deputy Registrar will fix a fresh date for hearing of the appeal.
2. The Deputy Registrar will issue a hearing notice to be served on the appellant.

Dated and delivered at Kakamega this 22nd day of November, 2013

George Dulu

JUDGE