



**REPUBLIC OF KENYA**

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

**CRIMINAL MISC. APPLICATION NO. 53 OF 2013**

**JEREMIAH ONYANGO ATANAS .....**  
**APPLICANT**

**VERSUS**

**REPUBLIC .....**  
**RESPONDENT**

**RULING**

This application dated 20<sup>th</sup> August, 2013 has been filed by Jeremiah Onyango Atanas. It is an application for release of a power saw, the subject of criminal charges under the Forest Act in CMCR.CASE NO.15021 of 2013 at Kakamega.

On the hearing date which was 23/10/2013, the applicant did not attend court. Ms Opiyo for the State informed the court that the power saw was in the custody of the Forest Department, and that it was not clear from documents filed, whether the applicant was the true owner of the power saw.

In the circumstances of this matter, since the applicant did not prosecute his application, I find no merits in the application and dismiss the same.

***Dated and delivered at Kakamega this 21<sup>st</sup> day of November, 2013***

**George Dulu**

**JUDGE**