

REPUBLIC OF KENYA

High Court at Malindi

Criminal Appeal 38 of 2011

(From original conviction and sentence in criminal case no. 1030 of 2009 of the Chief Magistrate's Court

at Kilifi before Hon. D. W. Nyambu - PM)

KABIBI KALUME KATSUI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. Having considered the appellant's application under Section 358 of the Criminal Procedure Rules I am not persuaded that the same is merited. I do therefore reject the application and direct that the appeal proceeds to hearing. Reasons for my decision will be given at the time of judgment on the appeal.

Delivered and signed in open court this **19th** day of **October, 2012** in the presence of the accused, Mr. Ogeto holding brief for Mr. Mouko for the appellant.

C. W. Meoli
JUDGE

COURT – Appeal for hearing on 14th November, 2012.

C. W. Meoli
JUDGE