



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**  
**CRIMINAL APPEAL NO. 43 OF 2003**

SAMUEL KUVUTA.....APPLICANT  
VERSUS  
REPUBLIC.....RESPONDENT

**4/3/04**

**Coram: J.M. Khamoni (J)**

**Mr. Omwega for state**

**Miss Ndegwa for Appellant**

**Njue – c/c**

**Miss Ndegwa**

**The Appellant wrote to us withdrawing his instructions. We are therefore withdrawing from this case. The Appellant is not personally in court.**

**Mr. Omwega:**

**Appellant released from jail on presidential Amnesty. Not here in court. I am ready to proceed with hearing of my appeal.**

**J.M. KHAMONI  
JUDGE**

**COURT:**

**The Learned state counsel is here and ready to proceed with hearing of the Appellant's appeal.**

**I am also ready and willing to proceed with the hearing of the appeal.**

**The Appellant having withdrawn instructions from his advocates who have now withdrawn from this appeal, the appellant should have been here to prosecute his appeal since his advocates were served with the hearing notice for to-day and I take it that they passed it over to him. If they did not, that is their problem with their client.**

**The name of the Appellant has been called out in court, he is not present yet he is a free person out of jail.**

**In the circumstances therefore, this appeal is hereby dismissed for want of prosecution.**

**Dated this 4th Day of March, 2004.**

**J.M. KHAMONI**  
**JUDGE**