



**Andreas v Republic (Miscellaneous Criminal Application
E064 of 2022) [2023] KEHC 19115 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19115 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E064 OF 2022**

RE ABURILI, J

JUNE 19, 2023

BETWEEN

DELNO STAFAN ANDREAS APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter was initiated on May 23, 2022 by Delno Stefan Andreas, who sought leave to appeal out of time from Kisumu CM Criminal No. 342 of 2013. Later he sought leave to withdraw the said application after it became apparent that he was about to complete his prison term on June 17, 2022 and that the deportation order was hanging on his head. He also sought to have the deportation order stayed.
2. On July 28, 2022, this court issued orders vacating the orders of July 20, 2022 granting him leave to appeal out of time and to engage an advocate. The court also vacated stay of deportation order which was issued on July 20, 2022 and directed him to report to the OCS Kisumu Central Police station and if he defaults, a warrant of arrest to issue.
3. No application has been lodged to this court since July 28, 2022, by either the Applicant/Convict or the prosecution.
4. For the above reasons, and as there is no other pending proceeding, this file is accordingly closed.
5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF JUNE, 2023

R. E. ABURILI

JUDGE

