

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KIBERA**  
**CRIMINAL APPEAL NO. E039 OF 2025**

REPUBLIC.....APPELLANT  
VERSUS  
JAMES KAIRUNGI MAINA.....1<sup>ST</sup>  
RESPONDENT  
SAMMY KIMANTHI KALERA.....2<sup>ND</sup>  
RESPONDENT  
FRANCIS IRUNGU.....3<sup>RD</sup>  
RESPONDENT  
LLOYD GITONGA.....4<sup>TH</sup>  
RESPONDENT  
MODESTA KAMUYU MAHIANYU.....5<sup>TH</sup>  
RESPONDENT  
IRENE WAMUYU NGATIA.....6<sup>TH</sup>  
RESPONDENT

**RULING.**

1. The Appellant lodged the present appeal challenging the acquittal by the trial court. Directions were subsequently issued and the matter was set down for hearing.
2. By a Notice of Withdrawal of Appeal dated 19<sup>th</sup> March 2025, the Appellant applied to withdraw the Petition of Appeal dated 18<sup>th</sup> March 2025 and received on 26<sup>th</sup> January 2026. There was no objection from the Respondent.
3. In the circumstances, the appeal is hereby marked as withdrawn.  
Orders accordingly.

**Ruling dated and delivered this 5<sup>th</sup> day of March 2026**

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**D. KAVEDZA  
JUDGE**