



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: MARAGA, MUSINGA & GATEMBU, JJ.A.)

CRIMINAL APPEAL NO. 345 OF 2011

BETWEEN

GABRIEL NGUNYANGI BANICE.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(An Appeal from a Judgment of the High Court of Kenya at Kakamega, (Lenaola, J.) dated 3th October, 2011

In

H.C.CR.A.NO. 279 OF 1995)

ORDER OF THE COURT

Neither the appellant nor his advocate is in court today. When this appeal last came up for hearing on 23rd March 2015, Mr. Ogesa who was appearing for the appellant obtained an adjournment to file a memorandum of appeal. None has to date been filed.

In the circumstances, we find that the appellant has lost interest in this appeal and we accordingly dismiss it under Rule 71(4) of the Court of Appeal Rules.

DATED this 30th day of June, 2015.

D.K.MARAGA

.....

JUDGE OF APPEAL

D.K. MUSINGA

.....

JUDGE OF APPEAL

S. GATEMBU KAIRU, FCIArb

.....

JUDGE OF APPEAL

I certify that this is

a true copy of the original.

DEPUTY REGISTRAR