



**IN THE COURT OF APPEAL**

**AT KISUMU**

**(CORAM: NAMBUYE.AZANGALALA & KANTAI, JJ.A.)**

**CRIMINAL APPEAL NO.193 OF 2012**

**BETWEEN**

**TIMOTHY BABU & 2**

**OTHERS.....APPELLANTS**

**AND**

**REPUBLIC..... RESPONDENT**

**(An Appeal from a Judgment of the High Court of Kenya at Kakamega**

**(Chitembwe, J.) dated 2nd May, 2012**

**in**

**H.C.CR.C. NO. 36 OF 2009)**

**\*\*\*\*\***

**ORDER OF THE COURT**

This appeal coming up for hearing before us today. When called out the appellants were not in attendance.

Learned counsel Mr. Abele the Assistant Director of Public Prosecutions informed us that appellants had been sentenced to serve 2 years imprisonment from 17.5.012 which would naturally have ended on 17/5/2014. The appellants may very well have fully served their sentences and may be no longer interested in the pursuit of this appeal.

In the premises this appeal is accordingly dismissed under Rule 56 (1) of this Court's Rules for nonattendance of the appellants.

**Dated at Kisumu this 10<sup>th</sup> day of June, 2014**

**R.NAMBUYE**

.....

**JUDGE OF APPEAL**

**F.AZANGALALA**

.....

**JUDGE OF APPEAL**

**S. ole KANTAI**

.....

**JUDGE OF APPEAL**

I certify that this is a true

Copy of the original.

**DEPUTY REGISTRAR**