



**IN THE COURT OF APPEAL**

**AT KISUMU**

**(CORAM: ONYANGO OTIENO, AZANGALALA & KANTAI, and JJ.A.)**

**CRIMINAL APPEAL NO. 26 OF 2013**

**BETWEEN**

**ZACKAYO HENRY ANGOYA.....APPELLANT**

**AND**

**REPUBLIC .....RESPONDENT**

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

***(Chemitei, J.) dated 27<sup>th</sup> September, 2012***

**in**

**H.C.CR.A. NO. 116 OF 2011)**

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

**ORDER OF THE COURT**

This appeal was listed for hearing before us this morning. However the appellant is not in Court and there is a letter dated 6<sup>th</sup> May 2014 addressed to the Deputy Registrar of this Court and which was received on the same date in which the appellant who filed the appeal in person states that he wishes to withdraw the appeal as the case at Maseno, the genesis of the appeal had been terminated by mutual consent between the prosecution and the appellant.

In the circumstances, and as Mr. Abele, the learned Assistant Director of Public Prosecutions does not object, the appeal is marked as withdrawn pursuant to Rule 68 of the Court's Rules.

**Dated and Made at Kisumu this 15<sup>th</sup> day of July, 2014.**

**J.W.ONYANGO OTIENO**

**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**