



**REPUBLIC OF KENYA**  
**IN THE COURT APPEAL AT MOMBASA**

**Criminal Appeal 259 of 2005**

**REPUBLIC ..... APPELLANT**

**AND**

**JOSEPH MURAYA GICHUHI ..... RESPONDENT**

*(An appeal against the sentence of the High Court of Kenya at Mombasa (Lady Justice Khaminwa) dated 25<sup>th</sup> January, 2005*

**in**

**H.C.CR.C. NO.21 OF 2002)**

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**RULING OF THE COURT**

This appeal came up for hearing on 24<sup>th</sup> January, 2006 when Mrs. Mwangi the Assistant Deputy Public Prosecutor applied for adjournment on the ground that she needed to consult the DPP on some aspects of the appeal. It would appear that after the consultations they filed a certificate under **Section 379** of the Criminal Procedure Code.

Mr. Gakuhi the learned counsel for the appellant, has pointed out that there was a notice of appeal filed in this matter which notice has not been withdrawn. It was his view that the appeal should be withdrawn and the State should then file a certificate after obtaining leave.

We have considered these submissions by Mrs. Mwangi and Mr. Gakuhi, and we are of the view that in the interest of justice this appeal be and is hereby adjourned generally so as to allow the State to take appropriate steps in the matter.

**Dated at Mombasa this 24<sup>th</sup> day of July, 2006.**

**S.E.O. BOSIRE**

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**JUDGE OF APPEAL**

**E. O. O’KUBASU**

.....

**JUDGE OF APPEAL**

**J.W. DEVERELL**

.....

**JUDGE OF APPEAL**

I certify that this a true copy of the original.

**DEPUTY REGISTRAR**