



**IN THE COURT OF APPEAL
AT KISUMU**

(CORAM: OMOLO, SHAH & O'KUBASU J.J.A)

CRIMINAL APPEAL NO. 44 OF 2002

BETWEEN

PATRICK OLUOCH OBONYOAPPELLANT

AND

REPUBLICRESPONDENT

**(An appeal from a judgment of the High Court of Kenya at
Kisumu (Mr.Birech, Commissioner of Assize) dated 6th
August, 1999**

in

H.C.CR.A. NO.289 OF 1998)

ORDER OF THE COURT

The evidence from the Prison Authorities show that the appellant died on 22nd December, 2001. In the circumstances, the appeal abates under **Rule 68 (1)(a)** of the Court's Rules.

Dated and delivered at Kisumu this 18th day of June, 2002.

R.S.C. OMOLO

.....

JUDGE OF APPEAL

A.B. SHAH

.....

JUDGE OF APPEAL

E. O'KUBASU

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR