



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: CHUNGA, C.J., SHAH & O'KUBASU, JJ.A**

**CRIMINAL APPEAL NO. 185 OF 2000**

**BETWEEN**

**WILSON OMONDI OCHIENG' .....APPLICANT**

**AND**

**REPUBLIC.....RESPONDENT**

(Appeal from a conviction and sentence of the High Court

of Kenya at Meru (Etyang, J) dated 15th January,

1999

in

H.C.CR.APPEAL NO. 223 OF 1999)

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**RULING OF THE COURT**

This appeal was coming up for hearing when Mr. Oluoch appeared for the state but the appellant did not appear. We are now informed by Mr. Oluoch that the appellant has been released. Hence he is not here to prosecute his appeal.

In view of the above and pursuant to Rule 70(7) of the Court of Appeal Rules this appeal is marked abated.

**Dated at Nairobi this 14th day of May, 2001.**

**B. CHUNGA**

.....

**CHIEF JUSTICE**

**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**