



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: E.M.GITHINJI, HANNAH OKWENGU &

J. MOHAMMED, J.L.A.)

CIVIL APPEAL ELECTION PETITION NO. 4 OF 2018

BETWEEN

PETER ODIMA KHASAMULE.....APPELLANT

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION (I.E.B.C.).....1ST RESPONDENT

THE RETURNING OFFICER BUSIA COUNTY,

FREDRICK APOPA.....2ND RESPONDENT

SOSPETER ODEKE OJAAMONG.....3RD RESPONDENT

(Being Notice to show cause why the Notice of Appeal should not be struck out under Section 85 A (1) (a) of the Election Act and Rule 83 of the Court of Appeal Rules

in

ELECTION PETITION CIVIL APPEAL NO. 4 OF 2018)

ORDER OF THE COURT

The advocates for **Peter Odima Khasamule** who filed a Notice of Appeal on 19th February, 2018 signifying an intention to appeal against the decision of the Election Court dated 12th February, 2018 have not appeared today to show cause why the notice of appeal should not be struck out.

Since the intended appellant did not file an appeal within the 30 days stipulated by **section 85 A (1) (a)** of the Elections Act as read with **Rule 8(5)** of the Court of Appeal Election Petition Rules, 2017, the Notice of Appeal has become futile.

Accordingly, it is struck out under **Rule 84** of the Court of Appeal Rules as read with **Rule 4(2)** of the Court of Appeal Election Petition Rules, 2017 with no orders as to cost.

Made at Kisumu this 21st day of June, 2018.

E. M. GITHINJI

.....

JUDGE OF APPEAL

HANNAH OKWENGU

.....

JUDGE OF APPEAL

J. MOHAMMED

.....

JUDGE OF APPEAL

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