



Case Number:	Criminal Appeal 259 of 2005
Date Delivered:	24 Jul 2006
Case Class:	Criminal
Court:	Court of Appeal at Mombasa
Case Action:	-
Judge:	Samuel Elikana Ondari Bosire, Emmanuel Okello O'Kubasu, William Shirley Deverell
Citation:	REPUBLIC v JOSEPH MURAYA GICHUHI [2006] eKLR
Advocates:	Mr. Gakuhi for the Appellant. Mrs. Mwangi, Assistant Deputy Public Prosecutor, for the Republic.
Case Summary:	[Ruling] Criminal Practice and Procedure - adjournment - State applying for a certificate under section 379 of the Criminal Procedure Code - appellant's counsel submitting that the state should first withdraw the appeal then file the certificate after obtaining leave - appeal adjourned in the interests of justice to allow the State to take appropriate steps.
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-

Sum Awarded:

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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 25th January, 2005

in

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

RULING OF THE COURT

This appeal came up for hearing on 24th 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for the appellant, has pointed out that there was a notice of appeal filed in this matter which notice has not been withdrawn. It was his view that the appeal should be withdrawn and the State should then file a certificate after obtaining leave.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 24th day of July, 2006.

S.E.O. BOSIRE

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JUDGE OF APPEAL

E. O. O'KUBASU

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JUDGE OF APPEAL

J.W. DEVERELL

.....

JUDGE OF APPEAL

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