

THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA AT FORT PORTAL
Coram: Buteera DCJ, Mulyagonja & Luswata, JJA
CRIMINAL APPEAL NO. 0119 OF 2011

5 **MUHINDO CRESCENT ::::::::::::::::::::::::::::::::::: APPELLANT**

AND

UGANDA ::::::::::::::::::::::::::::::::::: RESPONDENT

(Appeal from the decision of Akiiki Kiiza, J., delivered on 7th April, 2011 in Fort Portal High Court Criminal Session Case HCT-01-CR-SC-0069 of 2009)

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JUDGEMENT OF THE COURT

Introduction

This is an appeal from the decision of the High Court of Uganda sitting at Fort Portal in which the trial judge convicted the appellant of the offence of aggravated robbery and sentenced him to 20 years' imprisonment.

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Background

The facts that were accepted by the trial judge were that in the night of 21st October 2010 at Bundikayanja Village, Katumba Kirumya in Budibugyo District, the appellant and others still at large entered Erisania Sunday Muhindo's house using a huge boulder which they threw at the door to force it open. They had bright torches which aided them to see. They also had pangas and iron bars. The appellant then used a hoe to cut Erisania Muhindo on the head and he sustained an injury that required him to be hospitalised for treatment. After he was injured, Erisania Muhindo's wife fled into the bush while making an alarm to which village mates responded. However, the

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assailants fled taking with them money, mobile phones and other household property.

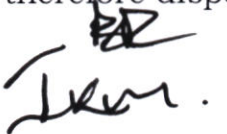
The appellant was subsequently arrested, indicted and prosecuted for aggravated robbery. He denied participation in the crime but the trial judge found sufficient evidence to convict him of the offence and sentenced him as stated above. Being dissatisfied with both conviction and sentence, he appealed to this court stating four (4) grounds of appeal as follows:

1. The learned trial judge erred in law and fact holding that the appellant was properly identified as one of the perpetrators of the robbery and thereby came to an erroneous decision which occasioned a miscarriage of justice.
2. That the learned trial judge erred in law and fact when he convicted the appellant of aggravated robbery on evidence that was contradictory and inconsistent thereby occasioning a miscarriage of justice.
3. That the learned trial judge erred in law and fact when he sentenced the appellant to an illegal sentence of 20 years' imprisonment.
4. In the alternative, the sentence of 20 years' imprisonment on the appellant was harsh and excessive in the circumstances.

Representation

At the hearing of the appeal on 5th September 2022, the appellant was represented by learned counsel, Cosma A Kateeba on State Brief. Ms Harriet Aduabango, Chief State Attorney, represented the Director of Public Prosecutions.

Counsel for both parties filed written arguments before the hearing as directed by court. They each prayed that the arguments be adopted as their submissions in the appeal and their prayers were granted. This appeal was therefore disposed of on the basis of written arguments only.


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